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# **Administrative**

# **Code**

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The Iowa Administrative Code Supplement is published biweekly pursuant to Iowa Code section 17A.6. The Supplement contains replacement chapters to be inserted in the loose-leaf Iowa Administrative Code (IAC) according to instructions included with each Supplement. The replacement chapters incorporate rule changes which have been adopted by the agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17 and 17A.4 to 17A.6. To determine the specific changes in the rules, refer to the Iowa Administrative Bulletin bearing the same publication date.

In addition to the changes adopted by agencies, the replacement chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay imposed by the ARRC pursuant to section 17A.4(7) or 17A.8(9); rescission of a rule by the Governor pursuant to section 17A.4(8); or nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

The Supplement may also contain replacement pages for the IAC Index or the Uniform Rules on Agency Procedure.

# **INSTRUCTIONS**

## **FOR UPDATING THE**

### **IOWA ADMINISTRATIVE CODE**

Agency names and numbers in bold below correspond to the divider tabs in the IAC binders. New and replacement chapters included in this Supplement are listed below. Carefully remove and insert chapters accordingly.

Editor's telephone (515)281-3355 or (515)242-6873

#### **Economic Development Authority[261]**

- Replace Analysis
- Replace Chapter 20
- Replace Chapter 47
- Replace Chapters 101 to 109
- Replace Chapter 111
- Replace Chapter 112 with Reserved Chapter 112
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#### **Educational Examiners Board[282]**

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- Replace Chapter 11
- Replace Chapter 13
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#### **Environmental Protection Commission[567]**

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- Replace Chapter 28



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[Created by 1986 Iowa Acts, chapter 1245]

[Prior to 1/14/87, see Iowa Development Commission[520] and Planning and Programming[630]]

[Prior to 9/7/11, see Economic Development, Iowa Department of[261];  
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CHAPTER 20  
ACCELERATED CAREER EDUCATION (ACE) PROGRAM

DIVISION I - GENERAL PROVISIONS

**261—20.1(260G) Purpose.** The ACE program has three parts: the capital costs component, the program job credits component, and the accelerated career education grants program. The economic development authority administers the program job credits component. The college student aid commission administers the career education grants portion of the ACE program as described in the commission's administrative rules. The of education administers the capital costs component. The goal of the ACE program is to provide an enhanced skilled workforce in Iowa.

[ARC 0612C, IAB 2/20/13, effective 3/27/13]

**261—20.2(260G) Definitions.**

*"Accelerated career education program"* or *"ACE"* means the program established pursuant to Iowa Code chapter 260G.

*"Agreement"* means a program agreement referred to in Iowa Code section 260G.3 between an employer and a community college.

*"Allotment"* means the distribution of job credits based upon need as determined by the community colleges.

*"Authority"* means the economic development authority created in Iowa Code section 15.105.

*"Board"* means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

*"Community college"* means a community college established under Iowa Code chapter 260C or a consortium of two or more community colleges.

*"Employee"* means a person employed in a program job.

*"Employer"* means a business or consortium of businesses engaged in interstate or intrastate commerce for the purposes of manufacturing, processing or assembling products; construction; conducting research and development; or providing services in interstate or intrastate commerce, but excluding retail services.

*"Highly skilled job"* means a job with a broadly based, high-performance skill profile including advanced computation and communication skills, technology skills and workplace behavior skills, and for which an applied technical education is required.

*"Participant"* means an individual who is enrolled in an accelerated career education program at a community college.

*"Participant position"* means the individual student enrollment position available in an accelerated career education program.

*"Program capital cost"* means classroom and laboratory renovation, new classroom and laboratory construction, site acquisition or preparation.

*"Program job"* means a highly skilled job available from an employer pursuant to a program agreement.

*"Program job credit"* means a credit that an employer may claim against all withholding taxes due in an amount up to 10 percent of the gross program job wage of a program job position as authorized in an agreement between a community college and an employer.

*"Program job position"* means a job position which is planned or available for an employee by the employer pursuant to a program agreement.

*"Program operating costs"* means all necessary and incidental costs of providing program services.

*"Program services"* means services that include all of the following provided they are pursuant to a program agreement: program needs assessment and development, job task analysis, curriculum development and revision, instruction, instructional materials and supplies, computer software and upgrades, instructional support, administrative and student services, related school to career training programs, skill or career interest assessment services and testing and contracted services.

*“Vertical infrastructure”* means land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development and recreation trails. Vertical infrastructure does not include equipment; routine, recurring maintenance or operational expenses; or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.  
[ARC 0612C, IAB 2/20/13, effective 3/27/13]

**261—20.3(260G) ACE program eligibility and designation.**

**20.3(1)** In order to receive tax credits from withholding under the program job credits component or financial assistance through the college student aid commission’s accelerated career education grants program, a program must be designated by a community college as an eligible ACE program. All programs must demonstrate increased capacity to enroll additional students. To be eligible, a program must be either:

- a.* A credit career, vocational, or technical education program resulting in the conferring of a certificate, diploma, associate of science degree, or associate of applied science degree; or
- b.* A credit-equivalent career, vocational, or technical education program consisting of not less than 540 contact hours of classroom and laboratory instruction and resulting in the conferring of a certificate or other recognized, competency-based credential.

**20.3(2)** By resolution of a community college board of directors, an eligible program may be approved and designated as an ACE program. The respective community college board(s) of directors shall ensure compliance with Iowa Code chapter 260G. In designating ACE programs, the respective community college board(s) shall give priority to targeted industries as designated by the authority.

**20.3(3)** A copy of the designated ACE program agreement shall be submitted to the authority. The agreement shall state which program component (job credits or education grants, or both if applicable) is included in the agreement. The authority will maintain a record of all approved ACE programs.

**20.3(4)** The authority will review the ACE job credits component of the program for issues of quality in accordance with rule 261—20.16(260G).

[ARC 0612C, IAB 2/20/13, effective 3/27/13]

**261—20.4(260G) Funding allocation.**

**20.4(1) Base allocation.**

*a.* Funds for ACE program job credits shall be allocated among the community colleges in the state for the fiscal years and in the amounts specified in Iowa Code chapter 260G and these rules.

*b.* Community colleges shall submit program agreements to access allotted funds for program job credits. The program agreement shall document the findings of the community college that all ACE eligibility requirements have been met.

**20.4(2) Alternate allotment.** If a community college fails to commit any of its allotment by April 1 of the fiscal year, the funds for that community college will be allocated to other community colleges based upon need as described in these rules. Program job credits are considered to be committed if there is a signed program agreement in place or if there is a statement of intent in place that states that a signed program agreement will be in place by May 1 of the fiscal year.

[ARC 0612C, IAB 2/20/13, effective 3/27/13]

**261—20.5(260G) Eligible and ineligible business.**

**20.5(1) Eligible business.** An eligible business is a business engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products; construction; conducting research and development; or providing services in interstate or intrastate commerce.

**20.5(2) Ineligible business.** A business engaged in retail services is ineligible to receive ACE program assistance.

**261—20.6(260G) Program agreements.**

**20.6(1)** Program agreements will be developed by an employer, a community college and any employee of an employer representing a program job. The development of the agreements may be facilitated by an entity representing a group of employers. Any community college that has an employer

from its merged area involved in an ACE project must enter into the agreement. If a bargaining unit is in place with the employer pledging the jobs, a representative of the bargaining unit shall take part in the development of the program agreement. All participating parties must sign the program agreement. The agreement must include employer certification of contributions that are made toward the program costs.

**20.6(2)** A program agreement shall include, at a minimum, the following terms: match provided by the employer; tuition, student fees, or special charges fixed by the community college board of directors; guarantee of employer payments; type and amount of funding sources that will be used to pay for program costs; description of program services and implementation schedule; the term of the agreement, not to exceed five years; the employer's agreement to interview graduates for full-time positions and provide hiring preference; for employers with more than four sponsored participants, certification that a job offer will be made to at least 25 percent of those participants that complete the program; an agreement by the employer to provide a wage level of no less than 200 percent of the federal poverty guideline for a family of two; a provision that the employer does not have to fulfill the job offer requirement if the employer experiences an economic downturn; a provision that the participants will agree to interview with the employer following completion of the program; and default procedures.

**20.6(3)** Projects that cross community college boundaries, or projects that involve employers from multiple community college areas, must be conducted pursuant to an agreement or agreements with each college.

**261—20.7(260G) Administration.** The authority will administer the statewide allocations and will consult with representatives of the community colleges to promulgate necessary forms and collect necessary information. The authority may deny the allocation of program job credits to any program which fails to comply with Iowa Code chapter 260G.

[ARC 0612C, IAB 2/20/13, effective 3/27/13]

**261—20.8(260G) Customer tracking system.** Participants in the ACE program shall be included in the customer tracking system implemented by Iowa workforce development. In order to achieve this, social security numbers of all ACE program trainees will be required.

**261—20.9(260G) Program costs recalculation.** Program costs shall be calculated or recalculated on an annual basis based on the required program services for a specific number of participants. Agreement updates reflecting this recalculation must be submitted to the authority annually to review compliance with program parameters.

[ARC 0612C, IAB 2/20/13, effective 3/27/13]

#### DIVISION II - CAPITAL COSTS COMPONENT

**261—20.10(260G) Threshold requirements.** Rescinded ARC 0612C, IAB 2/20/13, effective 3/27/13.

**261—20.11(260G) Application procedures.** Rescinded ARC 0612C, IAB 2/20/13, effective 3/27/13.

**261—20.12(260G) Evaluation criteria for competitive awards—capital costs projects.** Rescinded ARC 0612C, IAB 2/20/13, effective 3/27/13.

#### DIVISION III - PROGRAM JOB CREDITS

**261—20.13(260G) Threshold requirements—program job credits.** To be eligible to receive program job credits, the following threshold requirements shall be met:

1. The agreement must provide for pledged program positions paying at least 200 percent of the poverty level for a family of two. If the wage designated is to become effective after a training or probationary period, the employer must document that there is a plan in place regarding time frames for transition to the permanent full-time wage, and the employer must provide documentation that these time frames are reasonable and that the employer has previously adhered to the time schedule.

2. The agreement must provide that the program meets the definition of an eligible ACE program.

3. The agreement must establish a 20 percent employer cash or in-kind match for program operating funds.

4. The agreement shall describe how the project enhances geographic diversity of project offerings across the state.

5. The executed agreement or a statement of intent must be submitted within the time periods described in these rules in order to establish a commitment of program job credits by the community college.

**261—20.14(260G) Job credits allocation.**

**20.14(1)** The authority shall allocate the total amount of program job credits authorized and available for the fiscal year to each community college based upon need ratios as follows:

Merged Area	Need Based Proportionate Allotment Minimum \$80,000 to Each Community College
I. Northeast Iowa Community College	4.63%
II. North Iowa Area Community College	4.63%
III. Iowa Lakes Community College	2.67%
IV. Northwest Iowa Community College	2.67%
V. Iowa Central Community College	4.64%
VI. Iowa Valley Community College District	4.38%
VII. Hawkeye Community College	6.62%
IX. Eastern Iowa Community College District	8.68%
X. Kirkwood Community College	17.00%
XI. Des Moines Area Community College	19.00%
XII. Western Iowa Tech Community College	5.13%
XIII. Iowa Western Community College	6.51%
XIV. Southwestern Community College	2.67%
XV. Indian Hills Community College	7.13%
XVI. Southeastern Community College	3.64%
	<hr/> 100.00%

**20.14(2)** For purposes of such allocation, the foregoing ratios shall be applied to commitments made by community colleges pursuant to three cycle periods during the fiscal year, beginning on the following cycle dates: August 1, December 1, and May 1.

**20.14(3)** A commitment for a cycle period is established by filing a copy of an executed agreement or a statement of intent with the authority not later than ten days prior to the next cycle date. Each community college may commit all or a portion of its proportionate allotment during each cycle period. Any amount uncommitted as of the cycle date shall be reported in the statement of intent and will carry over to the next cycle period and be reallocated by the authority to the other community colleges based upon the same proportionate allotment ratios set out in subrule 20.14(1).

**20.14(4)** Notwithstanding subrule 20.14(3), it is recognized that 2000 Iowa Acts, chapter 1196, section 5, requires that any portion of an allocation to a community college uncommitted on April 1 of a fiscal year may be available for use by other community colleges. As of April 1, each college shall have either an agreement or a statement of intent indicating that the college will enter into an agreement by May 1 to retain the college's current fiscal year allotment. Any job credit allotments that do not have accompanying agreements as of the May 1 cycle date will be available for proportional reallocation to other community colleges with signed agreements that have not received all of the tax credits that are needed under the agreement.

**20.14(5)** Beginning with the May 1 cycle, the authority will accept program agreements or statements of intent for the first cycle of the following fiscal year's tax credit allotment. For the fiscal year beginning July 1, 2002, proportionate allocation ratios as described in subrule 20.14(1) will be reviewed and examined for possible modification based upon need in the respective merged areas throughout the state. Such review shall take place immediately following the August 1, 2001, cycle period allocation of credits.

**20.14(6)** The authority shall calculate and report to each community college the number of job credits available for distribution each cycle period during the fiscal year based upon the proportionate allocation ratios set out in subrule 20.14(1) and subrule 20.14(4). Ratios in subrule 20.14(1) will be updated every two years beginning July 1, 2002.

**20.14(7)** So long as job credits are available for a cycle period, if an agreement provides for a two-year student program, the commitment shall be deemed to include the full amount of credits necessary to fund the entire two-year program and the duration of the agreement even though allocations for more than one fiscal year may be required.

**20.14(8)** Allocation credits, once received, may be retroactively applied to eligible programs during the fiscal year so long as the amount to be received does not exceed the proportionate allocation for each cycle period.

[ARC 0612C, IAB 2/20/13, effective 3/27/13]

**261—20.15(260G) Determination of job credits, notice, and certification.**

**20.15(1)** *Determination of job credit amounts.* If a program provides that part of the program costs are to be met by receipt of program job credits, the method to be used shall be as follows:

*a.* Program job credits shall be based upon the program job positions identified and agreed to in the agreement. No costs incurred prior to the date of a program agreement between a college and an employer may be reimbursed or eligible for program job credits.

*b.* Eligibility for program job credits shall be based on certification of program job positions and program job wages by the employer at the time established in the agreement.

*c.* An amount up to 10 percent of the gross program job wages as certified by the employer in the agreement shall be credited from the total payment made by an employer pursuant to Iowa Code section 422.16.

*d.* The employer shall remit the amount of the credit quarterly, in the same manner as withholding payments are reported to the department of revenue, to the community college to be allocated to and, when collected, paid into a special fund of the community college to pay, in part, the program costs.

*e.* When the program costs have been paid, the employer credits shall cease and any moneys received after the program costs have been paid shall be remitted to the treasurer of state to be deposited in the general fund of the state.

**20.15(2)** *Notice to revenue department.* The employer shall certify to the department of revenue that the program job credit is in accordance with the agreement and shall provide other information the department may require.

**20.15(3)** *Certification of amount of job credits.* A community college shall certify to the department of revenue that the amount of the program job credits is in accordance with an agreement and shall provide other information the department may require.

**261—20.16(260G) Evaluation criteria for quality assurance—program job credits.**

**20.16(1)** Agreements submitted for funding shall be in draft form and shall include an evaluation summary to assist the authority in gathering information for making study recommendations required by 2000 Iowa Acts, chapter 1196, section 5, and to provide program quality within each merged area program. Quality issues shall be reviewed and rated by the authority based upon the following evaluation criteria within each merged area:

- a.* Wage level assessment (1 to 5 points).
  - 1 point Statutory minimum wage level (see rule 261—20.13(260G), numbered paragraph “1”).
  - 2 points Statutory minimum plus additional \$2,500 per annum.
  - 3 points Above plus additional \$2,500 per annum.
  - 4 points Above plus additional \$2,500 per annum.
  - 5 points Above plus additional \$2,500 per annum.
- b.* Skill profile (3 or 6 points).
  - 3 points Meets statutory definition of “highly skilled job” (see rule 261—20.2(260G)).
  - 6 points Above plus serves targeted industries as designated by the authority (see subrule 20.3(2)).
- c.* Educational profile (1 or 2 points).
  - 2 points Credit career, vocational or technical educational program (see paragraph 20.3(1) “a”).
  - 1 point Credit-equivalent career, vocational or technical educational program consisting of not less than 540 contact hours (see paragraph 20.3(1) “b”).
- d.* Program job demand (0 or 3 points).
  - 3 points Program jobs are in demand within the merged area, region or company.
- e.* Availability of program services (0 or 3 points).
  - 3 points Adequate resources and curriculum necessary to implement the program.
- f.* Marketing plan (0 or 3 points).
  - 3 points Adequate marketing plan to recruit students for program jobs involving entities including but not limited to business, labor, and community college.
- g.* Merged area stakeholders support (0 or 1 point).
  - 1 point Agreement demonstrates substantial area stakeholder support for the program via letters or other supporting information.
- h.* Level of employer contributions (3 to 5 points).
  - 3 points Not less than 20 percent of program costs.
  - 4 points Not less than 22 percent of program costs.
  - 5 points Not less than 24 percent of program costs.

Agreements must receive a rating by the college and by the authority of at least 18 points out of 28 total possible points to receive tax credits.

**20.16(2)** Each agreement will be submitted to the authority in draft form at least 20 days before it is presented to the community college board for final approval. Within 20 days the authority may approve without comment or append its statement of disapproval if it does not agree that the agreement merits at least 18 points out of 28 points.

[ARC 0612C, IAB 2/20/13, effective 3/27/13]

**261—20.17(260G) Committed funds.** The authority shall maintain an annual record of the proposed program job credits under each agreement for each cycle of each fiscal year. When the total available program job credits have been allocated for a fiscal year, the authority shall inform all community colleges that the maximum amount has been allocated and that further program job credits will not be available for the remainder of the fiscal year. If any committed credits become uncommitted after the above-mentioned notice has been issued, the authority will inform all community colleges that some job credits are again available and applications will be accepted for those job credits until they are again committed.

[ARC 0612C, IAB 2/20/13, effective 3/27/13]

## DIVISION IV - ACCELERATED CAREER EDUCATION GRANTS COMPONENT

**261—20.18(260G) ACE program serving demand occupations.** The college student aid commission administers the career education grants portion of the ACE program. The authority will report to the college student aid commission those ACE programs which service demand occupations within targeted industries as designated by the authority in consultation with the department of workforce development. [ARC 0612C, IAB 2/20/13, effective 3/27/13]

## DIVISION V - WORKFORCE TRAINING AND ECONOMIC DEVELOPMENT PROGRAM OPERATING COSTS

**261—20.19(81GA,HF868,HF809) Grow Iowa values fund assistance.** Moneys allocated through the grow Iowa values fund to the workforce training and economic development funds to each community college for a fiscal year may be expended for the purposes allowed under Iowa Code section 260G.3, provided the use meets the requirements established under 261—Chapter 9. Moneys allocated under the workforce training and economic development fund are targeted primarily for use in projects in the areas of advanced manufacturing; information technology and insurance; and life sciences, which include the areas of biotechnology, health care technology, and nursing care technology.

**20.19(1) Use of funds.** Moneys from a workforce training and economic development fund created in Iowa Code section 260C.18A may be used for program operating costs of an approved 260G project. Such use may be authorized in an agreement between a community college and an employer. The amount of grow Iowa values funds available to any single 260G project shall be determined in the same manner as program job credits under subrule 20.15(1). Workforce training and economic development funds may be used in lieu of program job credits or in addition to program job credits.

**20.19(2) Availability of workforce training and economic development funds.** In order for a community college to utilize the funds afforded under the grow Iowa values fund for program operating costs of 260G projects, the college shall prepare and submit to the authority a two-year implementation plan regarding the proposed uses of the grow Iowa values fund moneys. The plan shall be updated annually and submitted with a progress report to the authority to be approved by the board. This reporting requirement will be accomplished as described in 261—Chapter 9.

**20.19(3) Awards in excess of \$1 million.** Applications to be awarded from workforce training and economic development funds as appropriated from grow Iowa values fund moneys that are to exceed \$1 million require approval of the board.

**20.19(4) Grow Iowa values fund allocations—transition provision.** The grow Iowa values fund and financial assistance program as established by 2009 Iowa Acts, Senate File 344, was repealed by 2011 Iowa Acts, chapter 133. The repeal took effect on June 30, 2012. The rules pertaining to the grow Iowa values fund and financial assistance program that were in effect upon the repeal of the program shall apply to all awards made and all contracts entered into under the program after July 1, 2009, and on or before June 30, 2012, and shall continue to apply until such time as all such contracts, including all amendments to such contracts, reach the end of their effective contract periods and are closed by the community colleges. Beginning on July 1, 2012, no additional grow Iowa values fund moneys are available for allocation under the accelerated career education program.

[ARC 0612C, IAB 2/20/13, effective 3/27/13]

These rules are intended to implement Iowa Code chapter 260G.

[Filed emergency 6/18/99—published 7/14/99, effective 6/18/99]

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[Filed emergency 8/18/00—published 9/6/00, effective 8/18/00]

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[Filed ARC 0612C (Notice ARC 0404C, IAB 10/17/12), IAB 2/20/13, effective 3/27/13]



CHAPTER 47  
ENDOW IOWA TAX CREDITS

**261—47.1(15E) Purpose.** The purpose of endow Iowa tax credits is to encourage individuals, businesses, and organizations to invest in community foundations and to enhance the quality of life for citizens of this state through increased philanthropic activity.

[ARC 8474B, IAB 1/13/10, effective 2/17/10; ARC 0008C, IAB 2/8/12, effective 3/14/12]

**261—47.2(15E) Definitions.**

“*Act*” means Iowa Code sections 15E.301 to 15E.306.

“*Authority*” means the economic development authority.

“*Community affiliate organization*” means a group of five or more community leaders or advocates organized for the purpose of increasing philanthropic activity in an identified community or geographic area in the state with the intention of establishing a community affiliate endowment fund.

“*Endow Iowa qualified community foundation*” means a community foundation organized or operating in this state that substantially complies with the national standards for U.S. community foundations established by the National Council on Foundations as determined by the authority in collaboration with the Iowa Council of Foundations.

“*Endowment gift*” means an irrevocable contribution to a permanent endowment held by an endow Iowa qualified community foundation.

“*Permanent endowment fund*” means a fund held in an endow Iowa qualifying community foundation to provide benefit to charitable causes in the state of Iowa. Endowed funds are intended to exist in perpetuity, and to implement an annual spend rate not to exceed 5 percent.

“*Tax credit*” means the amount a taxpayer may claim against the taxes imposed in Iowa Code chapter 422, divisions II, III, and V, and in Iowa Code chapter 432, and against the moneys and credits tax imposed in Iowa Code section 533.24.

[ARC 8474B, IAB 1/13/10, effective 2/17/10; ARC 0008C, IAB 2/8/12, effective 3/14/12]

**261—47.3(15E) Authorization of tax credits to taxpayers.** The authority shall authorize tax credits to qualified taxpayers who provide an endowment gift to an endow Iowa qualified community foundation or a community affiliate organization affiliated with an endow Iowa qualified community foundation for a permanent endowment fund within the state of Iowa in accordance with the following provisions:

**47.3(1)** Approved tax credits shall be allowed against taxes imposed in Iowa Code chapter 422, divisions II, III, and V, and in Iowa Code chapter 432, and against the moneys and credits tax imposed in Iowa Code section 533.24.

**47.3(2)** Beginning January 1, 2010, approved tax credits will be equal to 25 percent of a taxpayer’s gift to a permanent endowment held in an endow Iowa qualified community foundation. The amount of the endowment gift for which the endow Iowa tax credit is claimed shall not be deductible in determining taxable income for state income tax purposes.

**47.3(3)** The aggregate amount of tax credits available under this rule is limited according to Iowa Code section 15E.305, subsection 2. The aggregate amount is determined by taking a base authorization amount specified in Iowa Code section 15E.305, subsection 2, paragraph “a,” and adding an additional amount to be determined annually by calculating a certain percentage of the state’s gambling revenues, as provided in Iowa Code section 99F.11, subsection 3, paragraph “d,” subparagraph (3), for the prior fiscal year. For calendar year 2011 and for all subsequent calendar years, the annual base authorization amount of available tax credits is \$3.5 million. The additional amount varies each year according to the amount of gambling revenues collected in the prior year. For 2012, the aggregate amount of available tax credits is \$4,642,945. The maximum amount of tax credit that an individual taxpayer may claim is limited to 5 percent of the aggregate amount available each year. For 2012, the maximum amount of tax credit available to a single taxpayer is \$232,147.25. If the authority receives applications for tax credits in excess of the amount available, the applications shall be prioritized by the date the authority received the applications. If the number of applications exceeds the amount of annual tax credits available, the

authority shall establish a wait list for the next year's allocation of tax credits and applications shall first be funded in the order listed on the wait list.

**47.3(4)** Any tax credit in excess of the taxpayer's tax liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever occurs first.

**47.3(5)** A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit.

**47.3(6)** A tax credit shall not be transferable to any other taxpayer.  
 [ARC 8474B, IAB 1/13/10, effective 2/17/10; ARC 0008C, IAB 2/8/12, effective 3/14/12; ARC 0613C, IAB 2/20/13, effective 3/27/13]

**261—47.4(15E) Distribution process and review criteria.** The authority shall develop and make available a standardized application pertaining to the allocation of endow Iowa tax credits.

**47.4(1)** Twenty-five percent of the annual amount available for tax credits shall be reserved for those permanent endowment gifts made to community affiliate organizations. If by September 1 of any year the entire 25 percent reserved for permanent endowment gifts corresponding to community affiliate organizations is not allocated, the amount remaining shall be available for other applicants.

**47.4(2)** Ten percent of the annual amount available for tax credits shall be reserved for those permanent endowment gifts totaling \$30,000 or less. If by September 1 of any year the entire 10 percent reserved for permanent endowment gifts totaling \$30,000 or less is not allocated, the amount remaining shall be available for other applicants.

**47.4(3)** Applications will be accepted and awarded on an ongoing basis. The authority will make public by June 1 and December 1 of each calendar year the total number of requests for tax credits and the total amount of requested tax credits that have been submitted and awarded.

[ARC 8474B, IAB 1/13/10, effective 2/17/10; ARC 0008C, IAB 2/8/12, effective 3/14/12]

**261—47.5(15E) Reporting requirements.** By January 31 of each calendar year, the authority shall publish an annual report of the activities conducted pursuant to these rules during the previous calendar year and shall submit the report to the governor and general assembly. The annual report shall include the information required by Iowa Code section 15.104(9) "h."

[ARC 8474B, IAB 1/13/10, effective 2/17/10; ARC 0008C, IAB 2/8/12, effective 3/14/12]

These rules are intended to implement Iowa Code sections 15E.301 to 15E.306 as amended by 2011 Iowa Acts, Senate File 302.

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PART V  
*INNOVATION AND COMMERCIALIZATION ACTIVITIES*

CHAPTER 101  
MISSION AND RESPONSIBILITIES

[Prior to 9/6/00, see 261—Ch 62]

**261—101.1(15) Mission.** The mission of the authority in regard to innovation and commercialization is to grow Iowa's economy by fostering entrepreneurship and supporting the workforce, commercialization, and marketing activities of innovative businesses, including businesses in the advanced manufacturing, biosciences, and information technology industries.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—101.2(15) Responsibilities.** The authority's primary responsibilities are to assist start-up and existing companies with commercialization of new technologies; to foster entrepreneurship; and to coordinate the marketing, education, and workforce efforts of the state with respect to innovative businesses, including businesses in the industries of advanced manufacturing, biosciences, and information technology.

**101.2(1) Commercialization.** Commercialization activities include, but are not limited to, administration of the programs described in this part. Additionally, the authority's commercialization activities include the facilitation of technology transfer at Iowa's state universities to the greatest extent possible. Finally, such activities also include coordinating with the Iowa innovation corporation to ensure that the goal of public and private sector collaboration is furthered to the greatest extent possible.

**101.2(2) Entrepreneurship.** Entrepreneurship activities include, but are not limited to, administrating the venture network of Iowa, coordinating the Iowa equity funds, and coordinating with services providers across the state to increase entrepreneurship in Iowa.

**101.2(3) Marketing, education, and workforce development.** Marketing, education, and workforce development efforts for innovative businesses include, but are not limited to, overseeing the targeted industries internship program.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

These rules are intended to implement Iowa Code chapter 15.

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[Filed ARC 0611C (Notice ARC 0408C, IAB 10/17/12), IAB 2/20/13, effective 3/27/13]



CHAPTER 102  
ENTREPRENEUR INVESTMENT AWARDS PROGRAM

**261—102.1(15E) Authority.** The authority for adopting rules establishing the entrepreneur investment awards program under this chapter is provided in 2012 Iowa Acts, House File 2473, division I.  
[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—102.2(15E) Purpose.** The purpose of the entrepreneur investment awards program is to provide grants to service providers that provide technical and financial assistance to covered entrepreneurs.  
[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—102.3(15E) Definitions.** As used in this chapter, unless the context otherwise requires:

“*Applicant*” means a service provider applying to the authority for a grant under the program.

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Board*” means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

“*Committee*” means the technology commercialization committee established by the board pursuant to 261—Chapter 1.

“*Corporation*” means the Iowa innovation corporation created pursuant to Iowa Code section 15.107.

“*Covered entrepreneurs*” means entrepreneurs seeking to create, locate, or expand a business in the state if the entrepreneur’s business derives or intends to derive more than 10 percent of its gross sales from markets outside of the state.

“*Deliverables*” means the performance of duties or other obligations required of an applicant under a contract entered into with the authority in consideration for the receipt of grant funds under the program. At a minimum, “deliverables” includes the continued maintenance of all initial eligibility requirements for the duration of a contract entered into under the program and may include such other terms and conditions as the authority deems necessary to effectuate the legislative intent of the program or to protect the interest of taxpayers.

“*Domicile*” means the principal place from which the trade or business of a service provider is directed or managed.

“*Expended funds*” means the amount of money spent by an applicant during the applicant’s previous fiscal year to provide technical and financial assistance to covered entrepreneurs. “Expended funds” only includes moneys spent directly on the provision of such technical and financial assistance. “Expended funds” does not include grants awarded pursuant to this chapter, moneys used to repay loans, moneys used to raise funds from investors, donors or lenders, or any moneys invested in the applicant’s clients’ businesses.

“*Fund*” means the entrepreneur investment awards program fund created pursuant to Iowa Code section 15E.363.

“*Iowa-based business*” means a service provider whose domicile is Iowa and that is actively providing services to covered entrepreneurs in the state.

“*Operating costs*” means the expenses associated with administering a service provider’s activities on a day-to-day basis. “Operating costs” includes both fixed costs and variable costs. “Operating costs” does not include expenses associated with non-operating activities such as interest expenses, repayment of principal, or moneys invested by the service provider in clients’ businesses or in other ventures.

“*Program*” means the entrepreneur investment awards program established pursuant to Iowa Code section 15E.362.

“*Service provider*” means a for-profit entity or a nonprofit organization that provides technical and financial assistance to covered entrepreneurs.  
[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—102.4(15E) Program description, application procedures, and delegation of functions.**

**102.4(1) *Program description.*** The program is designed to provide grants to service providers meeting the eligibility requirements described in rule 261—102.6(15E). All awards of grant funds must ultimately be approved by the board, and a contract must be entered into before grant funds will be disbursed. All contracts will specify the deliverables required in consideration for the provision of funds.

**102.4(2) *Application and award procedures.*** Eligible service providers may submit applications to the authority. The applications will receive an initial review to confirm program eligibility before being sent to the committee for a recommendation on funding. The committee will provide its recommendation to the board for a final determination on funding. The board may approve, deny, or defer each application for a grant under the program. The board will consider applications for funding on a first-come, first-served basis. If the board approves funding for a service provider, the authority will prepare a required contract specifying the terms and conditions under which funds are provided to the service provider.

**102.4(3) *Delegation of certain administrative functions to the corporation.*** The authority will delegate certain administrative functions of the program to the corporation. The functions that will be delegated are:

*a.* The initial application review process, including an analysis of whether the service provider meets all requirements of eligibility under the program. In analyzing an applicant's eligibility, the corporation shall verify that all objective criteria for eligibility are met as described in subrule 102.6(1) and shall provide an opinion as to whether and to what extent the applicant meets the subjective criteria described in subrule 102.6(2). The analysis of eligibility shall be compiled in report form and submitted to the committee for its use in making a recommendation and to the board for its use in making a final determination.

*b.* The formulation of deliverables to be required under the contract. The corporation shall recommend to the authority the terms and conditions to be included in the contract in consideration for receipt of the grant funds.

*c.* The tracking and monitoring of the service provider's performance under a program contract, including an analysis of whether the service provider's deliverables meet all requirements of the contract and including an evaluation of the value added by the service provider to the businesses of covered entrepreneurs. The evaluation shall be provided by the corporation in furtherance of the program review and report required of the authority pursuant to Iowa Code section 15E.362.

**102.4(4) *Administrative functions not delegated.*** The authority will retain, and not delegate, the authority to perform all of the following functions: (1) the final determination as to whether to approve, deny, or defer the award of program funds to a service provider; (2) the disbursement of program funds to a service provider; (3) the final determination as to whether a service provider is in default of a contract entered into under the program, including all decisions regarding appropriate remedies for such a default; and (4) any other function not clearly delegated to the corporation pursuant to subrule 102.4(3).

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—102.5(15E) Program funding.**

**102.5(1) *Aggregate fiscal year limitation.*** The authority will not award more than \$200,000 in grants under the program in any one fiscal year.

**102.5(2) *Individual applicant limitation.*** The authority will limit the amount of program funds that any individual applicant may receive. The amount awarded to an individual applicant shall equal the lowest of the following amounts:

*a.* An amount equal to 25 percent of the applicant's total expended funds during the applicant's previous fiscal year.

*b.* An amount equal to 100 percent of funds raised by the applicant in the previous fiscal year from private foundations, the federal government, local governments, financial institutions, or individuals.

*c.* Two hundred thousand dollars.

**102.5(3) *Program funding source and allocation.*** Moneys for grants under the program will be awarded from the moneys in the entrepreneur investment awards program fund created pursuant to Iowa Code section 15E.363. Moneys are deposited in this fund by the authority pursuant to Iowa Code section 15.335B. The amount deposited each year depends on the amount allocated for such purposes under Iowa Code section 15.335B.

**102.5(4) *Use of grant funds.*** An applicant receiving grant funds under the program shall only use such funds for the purpose of defraying operating costs actually incurred.

**102.5(5) *Sunset date.*** No grants will be awarded under the program after June 30, 2014, unless the program is extended by the general assembly.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—102.6(15E) Eligibility requirements.** In order to be eligible for a grant under the program, an applicant must meet the requirements of this rule. This includes meeting a list of objective criteria as well as a list of subjective criteria as follows.

**102.6(1) *Objective criteria.*** An applicant shall meet all of the following criteria:

*a.* The applicant's expended funds total shall be at least \$500,000 during the applicant's most recent previous fiscal year. In order to establish that this criterion is met, the applicant may be required to provide financial information, payroll information, invoices, canceled checks, bank statements or other similar information.

*b.* The applicant must provide services that meet the broad-based needs of covered entrepreneurs. In order to establish that this criterion is met, the applicant may be required to provide documentation substantiating the provision of such services. Such documentation may include strategic plans, operating plans, marketing plans, budgets, audited financials, corporate minutes, articles of incorporation, operating agreements, or bylaws.

*c.* The applicant must communicate and cooperate with other entities in the state offering similar services. In order to establish that this criterion is met, the applicant may be required to provide documentation demonstrating communication and cooperation. Such documentation may include contracts or memoranda of understanding with other entities or may include two or more affidavits of cooperation, signed by an officer of another entity with which the applicant is in cooperation and stating with particularity the manner and extent to which there is communication and cooperation. The authority reserves the right to make the final determination as to whether such another entity in the state offers similar services.

*d.* The applicant must engage various funding sources for covered entrepreneurs. In order to establish that this criterion is met, an applicant may be required to provide documentation demonstrating the results achieved for covered entrepreneurs including amounts and types of funding sources successfully engaged for a reasonable number of recent clients or partners. Such documentation may also include the overall, lifetime success rate in engaging such funding sources.

*e.* The applicant must communicate and cooperate with various entities for purposes of locating suitable facilities for covered entrepreneurs. In order to establish that this criterion is met, the applicant may be required to provide documentation demonstrating its efforts to locate such facilities for clients. Such documentation may include two or more affidavits of cooperation from local entities, signed by an officer of such an entity and stating with particularity the efforts undertaken to locate such facilities.

*f.* The applicant shall be an Iowa-based business.

**102.6(2) *Subjective criteria.*** An applicant shall meet all of the following criteria:

*a.* The business experience of the professional staff employed by the applicant. In order to allow assessment of this criterion, the applicant may be required to submit documentation of such experience. Such documentation may include résumés, curriculum vitae, and other professional biographical information.

*b.* The business plan review capacity of the applicant's professional staff. In order to allow assessment of this criterion, the applicant may be required to submit documentation of such capacity. Such documentation may include project lists, work plans, or other resources reasonably necessary to assess capacity.

c. The expertise of the applicant's professional staff in all aspects of business disciplines. If the information required pursuant to the criterion in paragraph 102.6(2) "a" is insufficient to allow assessment of this criterion, additional information may be required.

d. The applicant's professional staff's access to external service providers including legal, accounting, marketing, and financial services. In order to allow assessment of this criterion, the applicant may be required to submit documentation of such access. Appropriate sources of documentation in this context will be determined on an ad hoc basis.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—102.7(15E) Contract and report information required.**

**102.7(1) *Contract required.*** An applicant awarded grant funds under the program shall enter into a contract with the authority for the receipt of such funds. The authority will include certain deliverables in the contract as recommended by the corporation and will delegate to the corporation the tracking and monitoring of all contract provisions. The corporation shall provide regular reports to the authority on the progress of the applicant and on the results of the tracking and monitoring. The authority will make the final determination as to compliance with the terms of the contract and will make the final determination as to whether and when to disburse funds to the applicant.

**102.7(2) *Reporting information required.*** Under Iowa Code section 15E.362, the authority is required to report on the success of the program to the legislature. An applicant may be required to submit all information necessary for the authority to produce such a report. The authority may include terms in the required contract effectuating this requirement.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

These rules are intended to implement Iowa Code sections 15E.362 and 15E.363.

[Filed ARC 0611C (Notice ARC 0408C, IAB 10/17/12), IAB 2/20/13, effective 3/27/13]

CHAPTER 103  
INFORMATION TECHNOLOGY TRAINING PROGRAM

**261—103.1(15,83GA,SF142) Authority—program termination and transition.**

**103.1(1) Authority.** The authority for adopting rules governing the information technology training program under this chapter is provided in 2011 Iowa Code section 15.411(10).

**103.1(2) Program termination and transition.** The information technology training program in this chapter was established pursuant to 2011 Iowa Code Supplement section 15.411(5). In 2012 Iowa Acts, House File 2473, section 31, the general assembly rescinded the provisions that provided the statutory basis for the program. The rules in this chapter that were in effect upon the repeal of the program shall apply to all awards made and all contracts entered into under the program on or before June 30, 2012, and shall continue to apply until such time as all such contracts, including all amendments to such contracts, reach the end of their effective contract periods and are closed by the authority. No new awards will be made under the program, and no new contracts will be entered into on or after July 1, 2012.

[ARC 8210B, IAB 10/7/09, effective 11/11/09; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—103.2(15,83GA,SF142) Purpose.** The purpose of the information technology training program is to assist businesses or departments of businesses engaged in the delivery of information technology services in the state in upgrading the high-level technical skills of existing employees.

[ARC 8210B, IAB 10/7/09, effective 11/11/09]

**261—103.3(15,83GA,SF142) Definitions.**

*“Authority”* means the economic development authority created in Iowa Code section 15.105.

*“Board”* means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

*“Committee”* means the technology commercialization committee established by the board pursuant to 261—Chapter 1.

*“High-level technical training”* means training that provides knowledge or skills that are clearly recognized throughout the industry as current and advanced for a particular occupation.

*“Information technology professional”* means an employee primarily engaged in the delivery of information technology services in one of the following SOC job classifications or in any similar SOC job classification:

1. Networking and systems support: 11-3021, 15-1041, 15-1051, 15-1061, 15-1071, 15-1081, 15-1099, 17-3023, 17-3024.

2. Programming and engineering: 15-1011, 15-1021, 15-1031, 15-1032, 15-2031, 15-2099.

3. Assembly, installation and repair: 17-3012, 49-2011, 49-2022, 49-2093, 49-2094, 49-9052, 51-2022, 51-2023, 51-4011, 51-4012, 51-9141.

*“SOC”* means Standard Occupational Classification (SOC) System.

[ARC 8210B, IAB 10/7/09, effective 11/11/09; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—103.4(15,83GA,SF142) Program funding.**

**103.4(1)** The maximum annual award that may be approved for any business site is \$25,000.

**103.4(2)** Program training may be provided in state or out of state.

**103.4(3)** Financial assistance shall be based on the actual cost of allowable services as identified in rule 261—103.6(15,83GA,SF142).

[ARC 8210B, IAB 10/7/09, effective 11/11/09]

**261—103.5(15,83GA,SF142) Matching funds requirement.** A business shall provide matching funds of at least two dollars of nonstate moneys for every one dollar received from the authority.

[ARC 8210B, IAB 10/7/09, effective 11/11/09; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—103.6(15,83GA,SF142) Use of program funds.**

**103.6(1)** The following costs associated with the operation of training services are eligible for program funding:

- a. Cost of tuition.
- b. Cost of company, college, or contracted trainer or training services.
- c. Training-related materials and supplies.
- d. Lease or rental of training facilities.
- e. Training-related travel.
- f. Subcontracted services.
- g. Contracted or professional services.

**103.6(2)** Equipment and software, when used for training, may be an allowable cost. If equipment or software is purchased for use in training but is subsequently retained for use in the general operation of the applicant's business, only the prorated portion of the equipment or software costs directly related to the training shall be eligible for program funding. Prorated costs for equipment or software shall not exceed \$1,000, respectively.

**103.6(3)** Reimbursement of an employee's wages while the employee is in training is not allowed.  
[ARC 8210B, IAB 10/7/09, effective 11/11/09]

**261—103.7(15,83GA,SF142) Eligible business.** To be eligible for this program, the business, or a department of the business, must be engaged in the delivery of information technology services and the business must be located in Iowa.

[ARC 8210B, IAB 10/7/09, effective 11/11/09]

**261—103.8(15,83GA,SF142) Ineligible business.** The following businesses are not eligible for this program:

**103.8(1)** A business which is engaged in retail sales or which provides health services is ineligible.

**103.8(2)** A business which closes or substantially reduces its workforce by more than 20 percent at existing operations in order to relocate substantially the same operations to another area of the state is ineligible for 36 consecutive months at any of its Iowa sites from the date the new establishment opens.

[ARC 8210B, IAB 10/7/09, effective 11/11/09]

**261—103.9(15,83GA,SF142) Eligible employee.**

**103.9(1)** The employee for whom training is planned must be an information technology professional whose principal place of employment is in Iowa.

**103.9(2)** The employee for whom training is planned must hold a current position intended by the employer to exist on an ongoing basis with no planned termination date.

**103.9(3)** Training is available only to an employee who is hired by the business, is currently employed by the business, and for whom the business pays Iowa withholding tax.

[ARC 8210B, IAB 10/7/09, effective 11/11/09]

**261—103.10(15,83GA,SF142) Ineligible employee.**

**103.10(1)** A replacement worker who is hired as a result of a strike, lockout, or other labor dispute is ineligible for program services.

**103.10(2)** An employee hired as a temporary worker is ineligible for program services.

[ARC 8210B, IAB 10/7/09, effective 11/11/09]

**261—103.11(15,83GA,SF142) Application and review process.**

**103.11(1)** An eligible business must submit an application for training assistance, on a form provided by the authority, to the Economic Development Authority, 200 East Grand Avenue, Des Moines, Iowa 50309. Required forms and instructions are available by contacting the authority at that address or from the authority's Web site at [www.iowaeconomicdevelopment.com](http://www.iowaeconomicdevelopment.com).

**103.11(2)** The application will be reviewed by authority staff, the committee and the board. The committee will make a recommendation to the board regarding an application. The board has final decision-making authority on requests for financial assistance for this program. The board may approve, defer or deny an application or may refer an application to another training program.

**103.11(3)** An application for assistance shall include all information required by the authority including, but not limited to, the following:

- a. The dates and location of the training.
- b. The name of employee(s) attending training.
- c. A copy of the quote from the training provider outlining costs of training.
- d. A statement of how training will benefit the company and how the training supports Iowa's initiative to grow the targeted industries.
- e. Identification of the skills the employees will acquire from the training and how the skills will increase the employees' value to the business.
- f. A statement of the anticipated training outcomes.

**103.11(4)** The authority and the committee will score applications according to the criteria specified in rule 261—103.12(15,83GA,SF142).

**103.11(5)** To be considered for funding, an application must receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules.

**103.11(6)** Applications which receive a minimum score of 65 points shall be referred to the board for final action.

**103.11(7)** The authority reserves the right to require additional information from a business.

**103.11(8)** Application approval shall be contingent on the availability of funds. The board shall reject or defer an application if funds are not available.

**103.11(9)** The board reserves the right to award program funds in an amount less than that requested in the application.

[ARC 8210B, IAB 10/7/09, effective 11/11/09; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—103.12(15,83GA,SF142) Application scoring criteria.** When applications for financial assistance are reviewed, the following criteria shall be considered:

1. The application has established the business's need for training. 15 points.
2. The application represents high-level technology training. 15 points.
3. The training will substantially improve the skills, knowledge and abilities of the employee. 15 points.
4. The average wages that are or will be paid by the business participating in this training are or will be above the state average wage rates. 10 points.
5. The training will help improve the business's competitiveness. 5 points.
6. The state of Iowa will realize economic benefits as a result of providing assistance for this training. 10 points.
7. The training will be provided at a state of Iowa community college or university. 5 points.
8. The training is jointly provided to IT employees from more than one Iowa company. 10 points.
9. The application documents that all considerations, including the funding required to begin the training project, have been addressed. 5 points.
10. The business provides its employees health insurance and other benefits. 5 points.
11. The majority of the business's employees are employed full-time. 5 points.

[ARC 8210B, IAB 10/7/09, effective 11/11/09]

**261—103.13(15,83GA,SF142) Contract and reporting.**

**103.13(1) Notice of award.** Successful applicants will be notified in writing of an award of assistance, including any conditions and terms of the approval.

**103.13(2) Contract required.** The authority shall prepare a contract, which includes, but is not limited to, a description of the training to be completed; conditions to disbursement; required reports; and the repayment requirements imposed in the event the business does not fulfill its obligations described in the contract and other specific repayment provisions ("clawback" provisions) to be established on an individual basis.

**103.13(3) Reporting.** An applicant shall submit any information requested by the authority in sufficient detail to permit the authority to prepare the report required pursuant to Iowa Code section

15.104(9) “I” and any other reports deemed necessary by the authority, the board, the general assembly or the governor’s office.

[ARC 8210B, IAB 10/7/09, effective 11/11/09; ARC 0611C, IAB 2/20/13, effective 3/27/13]

These rules are intended to implement Iowa Code section 15.411(5) and 2009 Iowa Acts, Senate File 142.

[Filed emergency 7/19/07—published 8/15/07, effective 7/19/07]

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[Filed ARC 0611C (Notice ARC 0408C, IAB 10/17/12), IAB 2/20/13, effective 3/27/13]

CHAPTER 104  
INNOVATIVE BUSINESSES INTERNSHIP PROGRAM

**261—104.1(15) Authority.** The authority for adopting rules establishing an innovative businesses internship program is provided in Iowa Code section 15.411(4).

[ARC 8848B, IAB 6/16/10, effective 5/20/10; ARC 9063B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—104.2(15) Purpose.** The purpose of the innovative businesses internship program is to link Iowa students to internship opportunities with innovative small and medium-sized firms and to help such students convert their internships into employment opportunities.

[ARC 8848B, IAB 6/16/10, effective 5/20/10; ARC 9063B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—104.3(15) Definitions.**

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Board*” means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

“*Committee*” means the technology commercialization committee established by the board pursuant to 261—Chapter 1.

“*Community college*” means a community college established under Iowa Code chapter 260C.

“*Director*” means the director of the economic development authority.

“*Innovative business*” means the same as defined in Iowa Code section 15E.52(1) “c.”

“*Internship*” means temporary employment of a student that focuses on providing the student with work experience in the student’s field of study.

“*Program*” means the innovative businesses internship program established in this chapter.

“*Prospective employee*” means a student who is anticipated to be hired upon graduation.

“*Student*” means a student of one of the Iowa community colleges, private colleges, or institutions of higher learning under the control of the state board of regents or a student who graduated from high school in Iowa but attends an institution of higher learning outside the state of Iowa.

[ARC 8848B, IAB 6/16/10, effective 5/20/10; ARC 9063B, IAB 9/8/10, effective 10/13/10; ARC 9754B, IAB 9/21/11, effective 10/26/11; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—104.4(15) Program funding.**

**104.4(1)** The maximum award shall not exceed \$3,100 for any single internship or \$9,300 for any single business.

**104.4(2)** Funds shall only be used for reimbursement of wages during the designated internship period. Students hired as interns shall be paid at least twice the minimum wage.

**104.4(3)** The authority shall issue funds to a business based upon authority approval of a completed application and the execution of a contract between the business and the authority.

**104.4(4)** A business may receive financial assistance in an amount of one dollar for every two dollars paid by the business to the intern.

[ARC 8848B, IAB 6/16/10, effective 5/20/10; ARC 9063B, IAB 9/8/10, effective 10/13/10; ARC 9754B, IAB 9/21/11, effective 10/26/11]

**261—104.5(15) Eligible business.** Eligible businesses may apply to the authority for assistance under the program. The program is available to Iowa businesses that meet all of the following criteria:

**104.5(1)** The business must be an Iowa-based business with fewer than 500 employees, with a significant portion employed within the state of Iowa.

**104.5(2)** The business must be engaged in an innovative business.

**104.5(3)** The business must offer the internship to students of Iowa community colleges, private colleges, or institutions of higher learning under the control of the state board of regents or to students who graduated from high school in Iowa but attend an institution of higher learning outside the state of Iowa.

**104.5(4)** The business's summer internships must last a minimum of 8 weeks (averaging no less than 30 hours per week), and the business's semester internships must last a minimum of 14 weeks (averaging no less than 10 hours per week).

[ARC 8848B, IAB 6/16/10, effective 5/20/10; ARC 9063B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—104.6(15) Ineligible business.** The following businesses are not eligible for this program:

**104.6(1)** A business which is engaged in retail sales or which provides health services is ineligible.

**104.6(2)** A business which closes or substantially reduces its workforce by more than 20 percent at existing operations in order to relocate substantially the same operations to another area of the state is ineligible for 36 consecutive months at any of its Iowa sites from the date the new establishment opens.

[ARC 8848B, IAB 6/16/10, effective 5/20/10; ARC 9063B, IAB 9/8/10, effective 10/13/10]

**261—104.7(15) Eligible students.** Students must be within one to two years of graduation and enrolled at one of Iowa's community colleges, private colleges, or institutions of higher learning under the control of the state board of regents. A student as defined in this chapter is eligible for an internship under this rule. The authority shall encourage youth who reside in economically distressed areas, youth adjudicated to have committed a delinquent act, and youth transitioning out of foster care to participate in the program.

[ARC 8848B, IAB 6/16/10, effective 5/20/10; ARC 9063B, IAB 9/8/10, effective 10/13/10; ARC 9754B, IAB 9/21/11, effective 10/26/11; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—104.8(15) Ineligible students.** Students who are more than two years from graduation are ineligible. Students who are immediate family members of management employees or board members of the applicant business are ineligible. Students who do not otherwise meet the eligibility requirements described in rule 261—104.7(15) are not eligible.

[ARC 8848B, IAB 6/16/10, effective 5/20/10; ARC 9063B, IAB 9/8/10, effective 10/13/10]

**261—104.9(15) Application submittal and review process.**

**104.9(1)** The authority shall develop a standardized application and make the application available to eligible businesses. To apply for assistance under the program, a business shall submit an application to the authority. Applications may be sent to the Economic Development Authority, 200 East Grand Avenue, Des Moines, Iowa 50309. Required forms and instructions are available by contacting the authority at that address or from the authority's Web site at [www.iowaeconomicdevelopment.com](http://www.iowaeconomicdevelopment.com).

**104.9(2)** The application will be reviewed by authority staff, the committee and the board. The committee will make a recommendation to the board regarding an application. The board has final decision-making authority on requests for financial assistance for this program. The board may approve, defer or deny an application.

[ARC 8848B, IAB 6/16/10, effective 5/20/10; ARC 9063B, IAB 9/8/10, effective 10/13/10; ARC 9754B, IAB 9/21/11, effective 10/26/11; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—104.10(15) Application content and other requirements.**

**104.10(1)** A business seeking assistance under the program must complete an application for internship assistance and submit it to the authority. Successful applicants must enter into a contract with the authority prior to posting or advertising the internship.

**104.10(2)** If an award is made, the business shall secure an intern within the time period stated in the contract between the authority and the business.

**104.10(3)** The application shall include, but not be limited to, all of the following:

a. The dates and location of the internship.

b. A statement of duties the intern will be performing at the business site. The intern is to be involved in a substantive experience in one or more of the following areas: research and development; engineering; process management and production; product experimentation and analysis; product development; market research; business planning and administration. The application shall also include information regarding the intern's work space (i.e., access to telephone, computer, and other necessary items).

- c. The name of the business's representative who will train and supervise the intern.
- d. A statement of the anticipated workforce needs at the business, which shall include an explanation of the current workforce shortage and identify the intern's potential for prospective employment with the business following graduation.

**104.10(4)** The authority reserves the right to require additional information from the business.  
[ARC 8848B, IAB 6/16/10, effective 5/20/10; ARC 9063B, IAB 9/8/10, effective 10/13/10; ARC 9754B, IAB 9/21/11, effective 10/26/11; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—104.11(15) Selection process.** Applications will be reviewed in the order received by the authority. The board may approve, defer or deny each application for financial assistance, based on the availability of funds. The authority and the committee will score applications according to the criteria specified in rule 261—104.12(15). To be considered for funding, an application must receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules.

[ARC 8848B, IAB 6/16/10, effective 5/20/10; ARC 9063B, IAB 9/8/10, effective 10/13/10; ARC 9754B, IAB 9/21/11, effective 10/26/11]

**261—104.12(15) Application scoring criteria.** When applications for financial assistance are reviewed, the following criteria shall be considered:

**104.12(1)** The intern is involved in a substantive experience in one or more of the following areas: research and development; engineering; process management and production; product experimentation and analysis; product development; market research; business planning and administration. 25 points.

**104.12(2)** The explanation of the business's anticipated workforce needs and of the intern's potential for prospective employment with the business following graduation. 20 points.

**104.12(3)** The extent to which the internship duties require independent judgment, creativity, and intelligence to complete and contribute to the business's goals or processes. 10 points.

**104.12(4)** The internship will have a positive impact on the intern's skills, knowledge and abilities. 15 points.

**104.12(5)** The internship pays more than twice the minimum wage. 10 points.

**104.12(6)** The business's contribution to the internship program is above the minimum program match requirement. 10 points.

**104.12(7)** Intern applications will be accepted from more than one private college, university or community college. 5 points.

**104.12(8)** The application documents that all considerations, including funding required to begin the internship, have been addressed. 5 points.

[ARC 8848B, IAB 6/16/10, effective 5/20/10; ARC 9063B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—104.13(15) Contract and reporting.**

**104.13(1) Notice of award.** Successful applicants will be notified in writing of an award of assistance, including any conditions and terms of the approval.

**104.13(2) Contract required.** The authority shall prepare a contract, which includes, but is not limited to, a description of the internship to be completed; conditions to disbursement; required reports; and the repayment requirements imposed in the event the business does not fulfill its obligations described in the contract and other specific repayment provisions ("clawback" provisions) to be established on an individual basis.

**104.13(3) Reporting.** A business which has been awarded assistance under the program shall submit any information requested by the authority in sufficient detail to permit the authority to prepare any reports required by the authority, the board, the general assembly or the governor's office.

**104.13(4) Contract amendments.** The board does not need to approve a contract amendment. The director may approve contract amendments consistent with 2011 Iowa Acts, House File 590, section 9.

[ARC 8848B, IAB 6/16/10, effective 5/20/10; ARC 9063B, IAB 9/8/10, effective 10/13/10; ARC 9754B, IAB 9/21/11, effective 10/26/11; ARC 0611C, IAB 2/20/13, effective 3/27/13]

These rules are intended to implement Iowa Code section 15.411(4).

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[Filed emergency 2/22/08—published 3/12/08, effective 2/22/08]

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[Filed Emergency ARC 8848B, IAB 6/16/10, effective 5/20/10]

[Filed ARC 9063B (Notice ARC 8849B, IAB 6/16/10), IAB 9/8/10, effective 10/13/10]

[Filed ARC 9754B (Notice ARC 9617B, IAB 7/13/11), IAB 9/21/11, effective 10/26/11]

[Filed ARC 0611C (Notice ARC 0408C, IAB 10/17/12), IAB 2/20/13, effective 3/27/13]

## CHAPTER 105 DEMONSTRATION FUND

**261—105.1(15) Authority.** The authority for adopting rules governing the demonstration fund under this chapter is provided in Iowa Code section 15.411.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—105.2(15) Purpose.** The program established in this chapter shall be known as the demonstration fund. The purpose of the demonstration fund is to provide financial and technical assistance to encourage high-technology prototype and concept development activities that have a clear potential to lead to commercially viable products or services within a reasonable period of time. The primary objective of the fund is to help businesses with high-growth potential reach a position where they are able to attract later stage private sector funding.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—105.3(15) Definitions.**

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Board*” means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

“*Committee*” means the technology commercialization committee established by the board pursuant to 261—Chapter 1.

“*Fund*” means the demonstration fund.

“*IP*” means intellectual property.

“*NAICS*” means the North American Industry Classification System.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—105.4(15) Project funding.**

**105.4(1)** Awards shall be made on a per-project basis upon board approval.

**105.4(2)** The maximum award shall not exceed \$150,000 for a single project.

**105.4(3)** Funds may be used for refining a prototype, acquiring managerial expertise, purchasing equipment, or creating marketing materials.

**105.4(4)** Funds may not be used for university overhead expenses or any work that was conducted prior to the term of the contract by the applicant or any third-party consultant.

**105.4(5)** The forms of financial assistance may consist of, but are not limited to, loans, forgivable loans, grants and such other forms of assistance the board deems appropriate and consistent with the needs of a given project.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—105.5(15) Matching funds requirement.** In order to receive financial assistance, an applicant must demonstrate the ability to secure one dollar of nonstate moneys for every two dollars received from the authority.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—105.6(15) Eligible applicants.** Eligible applicants must be located in Iowa, demonstrate the potential for high growth, and be included in one of the following industries classified by the NAICS:

1. Biosciences.
2. Information technologies.
3. Advanced manufacturing.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—105.7(15) Ineligible applicants.** The following businesses are not eligible for this fund:

**105.7(1)** A business which is engaged in retail sales or provides health services is ineligible.

**105.7(2)** A business which closes or substantially reduces its workforce by more than 20 percent at existing operations in order to relocate substantially the same operation to another area of the state is ineligible for 36 consecutive months at any of its Iowa sites from the date the new establishment opens. [ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—105.8(15) Application and review process.**

**105.8(1)** An eligible business seeking financial or technical assistance under the fund must submit an application to the Economic Development Authority, 200 East Grand Avenue, Des Moines, Iowa 50309, on a form provided by the authority. Required forms and instructions are available by contacting the authority at that address or from the authority's Web site at [www.iowaeconomicdevelopment.com](http://www.iowaeconomicdevelopment.com).

**105.8(2)** To apply for financial assistance from the fund, a business shall submit an application to the authority, on a form provided by the authority. The application will be reviewed by authority staff, the committee and the board. The committee will make a recommendation to the board about an application. The board has final decision-making authority on requests for financial assistance from the fund. The board may approve, defer or deny an application.

**105.8(3)** An application for assistance shall include all information required by the department including, but not limited to, the following:

- a. Proposed product or service.* A description of the proposed product or service, the experience of those involved in the proposed project, and the company resources.
- b. Market research.* A market research analysis that addresses questions such as:
  - (1) What are the competing or alternative technologies?
  - (2) What is the advantage of this new approach?
  - (3) What are the distribution plans?
  - (4) What is the estimated return on investment?
- c. Commercialization.* A description of the key next steps to making an impact with the innovation and a description of funding requirements necessary to overcome obstacles to success.
- d. Work plan.* A description of the strategy and key elements to be funded to address goals of the work plan, including project milestones.
- e. Resources and budget.* A budget that includes a detailed description of the sources, including the required match, and uses of the funds.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—105.9(15) Application selection criteria.** In reviewing applications for financial assistance, the committee and board shall consider the following criteria:

**105.9(1) Intellectual property.** How the ownership of the IP is structured. (More points are awarded for greater IP control by the business, with the greatest number of points being awarded for exclusive IP ownership by the business.)

**105.9(2) Experience.** The business's experience in productization and commercialization, and ongoing product maintenance.

**105.9(3) Estimate to completion.**

- a.* What are the work requirements; how quickly will it be completed?
- b.* How credible is this estimate relative to the business's experience?
- c.* Does the business have the resources to fulfill these requirements?

**105.9(4) Market research.**

- a.* Is there a competitor?
- b.* How large is the market outside of Iowa?
- c.* How credible is the marketing plan?
- d.* Does the business have experience in this industry?
- e.* Is there an industry in Iowa that would be a natural client/market?

**105.9(5) Financial requirement.**

- a.* Have the matching and necessary funds been secured?
- b.* Is the amount available sufficient to take the product to market?

**105.9(6) Distribution.** Do the channels already exist to take the product to market?

**105.9(7) *Expected return.*** As part of the evaluation process, is the expected return quantified based on time to breakeven and long-term economic impact?

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—105.10(15) Contract and reporting.**

**105.10(1) *Notice of award.*** Successful applicants will be notified in writing of an award of assistance, including any conditions and terms of the approval.

**105.10(2) *Contract required.*** The authority shall prepare a contract, which includes, but is not limited to, a description of the project to be completed by the business; conditions to disbursement; required reports; the repayment requirements imposed on the business in the event the business does not fulfill its obligations described in the contract and other specific repayment provisions (“clawback” provisions) to be established on a project-by-project basis.

**105.10(3) *Reporting.*** An applicant shall submit any information requested by the authority in sufficient detail to permit the authority to prepare any reports required by the authority, the board, the general assembly or the governor’s office.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

These rules are intended to implement Iowa Code section 15.411(3).

[Filed emergency 8/16/07—published 9/12/07, effective 8/16/07]

[Filed 10/18/07, Notice 9/12/07—published 11/7/07, effective 12/12/07]

[Filed 2/22/08, Notice 12/19/07—published 3/12/08, effective 4/16/08]

[Filed ARC 0611C (Notice ARC 0408C, IAB 10/17/12), IAB 2/20/13, effective 3/27/13]



CHAPTER 106  
SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY  
TRANSFER OUTREACH PROGRAM

**261—106.1(15) Authority.** The authority for adopting rules establishing the small business innovation research and technology transfer outreach program under this chapter is provided in 2012 Iowa Acts, House File 2473, division II.  
[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—106.2(15) Purpose and goals.**

**106.2(1)** The purpose of the small business innovation research and technology transfer outreach program is to assist businesses with applications to the federal Small Business Innovation Research and Small Business Technology Transfer Programs. The program will provide financial and technical assistance to businesses for that purpose.

**106.2(2)** The goals of providing this assistance are to increase the number of successful phase II small business innovation research grant proposals in the state, increase the amount of such grant funds awarded in the state, stimulate subsequent investment by industry, venture capital, and other sources, and encourage businesses to commercialize promising technologies.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—106.3(15) Definitions.** As used in this chapter, unless the context otherwise requires:

“*Applicant*” means a business applying to the authority for assistance under the program.

“*Assistance*” means technical and financial assistance available under the program.

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Board*” means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

“*Committee*” means the technology commercialization committee established by the board pursuant to 261—Chapter 1.

“*Corporation*” means the Iowa innovation corporation created pursuant to Iowa Code section 15.107.

“*Financial assistance*” means assistance provided only from the funds, rights, and assets legally available to the authority and includes but is not limited to assistance in the form of grants, loans, forgivable loans, and royalty agreements.

“*Innovative business*” means the same as defined in Iowa Code section 15E.52(1) “c.”

“*Program*” means the small business innovation research and technology transfer outreach program established pursuant to Iowa Code section 15.411.

“*SBIR/STTR*” means the federal Small Business Innovation Research and Small Business Technology Transfer Programs.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—106.4(15) Program description, application procedures, and delegation of functions.**

**106.4(1) General description.** The program provides technical assistance and financial assistance to businesses seeking SBIR/STTR funding. All awards of financial assistance must ultimately be approved by the board, after a recommendation by the committee, and a contract must be entered into with the authority before moneys will be disbursed.

**106.4(2) Program components and activities.** The program has two primary components, a technical assistance component and a financial assistance component, both of which are intended to win more phase I and phase II SBIR/STTR awards and fast track grants for Iowa businesses. The corporation shall be the primary provider of technical assistance to businesses and shall also work with the authority to provide financial assistance.

*a.* In providing technical assistance, the corporation shall develop a pre-proposal submission component that facilitates expert peer reviews from commercial reviewers with in-depth market knowledge. The resulting reviews should provide the business with a set of recommendations and tips

for troubleshooting SBIR/STTR proposals. The corporation shall ensure that such businesses develop and implement recommendations for their proposals based on industry best practices.

*b.* The corporation shall also develop a service component that includes an online platform to provide information to regional SBIR/STTR applicants, researchers, and entrepreneurs. In connection with this platform, the corporation shall identify, promote, and assist all highly qualified commercially relevant companies that are discovered through the platform and shall connect them to other investment programs and investors in the region.

*c.* In providing the technical assistance described in this subrule, the corporation shall work in conjunction with the program administrator of the office of intellectual property and technology transfer at Iowa State University. The following services shall be provided as a result of this collaboration:

(1) Detailed outlines and other tools to make the drafting of a proposal and other accompanying documentation less daunting.

(2) Reviews and critiques of iterative drafts to improve the structure and narrative of both the research and the commercialization plans.

(3) Evaluation of budgets and budget justifications to produce stronger applications and avoid “leaving money on the table.”

(4) Assistance with the electronic registrations and the application submission process.

*d.* In working with the authority to provide financial assistance, the corporation shall perform the functions delegated pursuant to subrule 106.4(4).

**106.4(3) *Application and award procedures.*** Eligible businesses may submit applications to the authority for financial assistance. To be eligible, a business must meet the requirements in rule 261—106.6(15). The applications will receive an initial review to confirm program eligibility before being sent to the committee for a recommendation on funding. The committee will provide its recommendation to the board for a final determination on the provision of financial assistance. The board may approve, deny, or defer each application for financial assistance under the program. The board will consider applications for financial assistance on a first-come, first-served basis. If the board approves funding for a business, the authority will prepare a required contract specifying the terms and conditions under which the financial assistance is to be provided to the business.

**106.4(4) *Delegation of certain administrative functions to the corporation.*** The authority will delegate certain administrative functions of the program to the corporation. The functions that will be delegated are:

*a.* The initial application review process, including an analysis of whether the business meets all requirements of eligibility under the program and a recommendation on the amount of financial assistance to be provided and under what terms and conditions.

*b.* The tracking and monitoring of the business’s SBIR/STTR application progress as well as the eventual outcome. The corporation shall report annually to the authority on the results of the program.

*c.* The tracking and monitoring of contract terms and conditions for applicants receiving financial assistance under the program.

*d.* The provision of technical assistance as described in subrule 106.4(2).

**106.4(5) *Administrative functions not delegated.*** The authority will retain, and not delegate, the performance of the following functions: (1) the final determination as to whether to approve, deny, or defer an award of financial assistance; (2) the disbursement of moneys provided for in an award of financial assistance; (3) the final determination as to whether there is a default in the terms of a contract entered into under the program, including all decisions regarding appropriate remedies for such a default; and (4) any other function not clearly delegated to the corporation pursuant to subrule 106.4(4).

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

## **261—106.5(15) Program funding.**

**106.5(1) *Program funding limitation.*** Each year, the authority allocates moneys for purposes of the programs listed in Iowa Code section 15.411, including this program. The amount allocated each year will depend on the amount appropriated to the authority by the general assembly. The authority may allocate other funds to the program as such funds may from time to time become available.

**106.5(2) *Individual applicant limitation.*** The authority will not award more than \$25,000 in financial assistance to any applicant. A business shall not receive more than one award of financial assistance under the program.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—106.6(15) Eligibility requirements.** In order to be eligible for financial or technical assistance under the program, an applicant must meet the following requirements:

**106.6(1)** The business must be an innovative business.

**106.6(2)** The business must have a reasonable likelihood of receiving SBIR/STTR grant funds, must be likely to stimulate subsequent investment by industry, venture capital, and other sources, and must be likely to commercialize some promising technology.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—106.7(15) Contract and report information required.**

**106.7(1) *Contract required.*** An applicant awarded financial assistance under the program shall enter into a contract with the authority for the receipt of such funds. The authority will include in the contract all terms and conditions for receipt of the funds, including any terms recommended by the corporation. The tracking and monitoring of the contract terms will be delegated to the corporation. The corporation shall provide regular reports to the authority on the progress of the applicant and on the results of the tracking and monitoring. The authority will make the final determination as to compliance with the terms of the contract and as to whether and when to disburse funds to the applicant.

**106.7(2) *Reporting information required.*** An applicant may be required to submit all information necessary for the authority to compile a report on the results of the program. The authority will include terms in the required contract effectuating this requirement.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

These rules are intended to implement Iowa Code section 15.411.

[Filed ARC 0611C (Notice ARC 0408C, IAB 10/17/12), IAB 2/20/13, effective 3/27/13]



CHAPTER 107  
TARGETED INDUSTRIES NETWORKING FUND

**261—107.1(82GA,ch122) Authority—fund termination and transition.**

**107.1(1) Authority.** The authority for adopting rules governing the targeted industries networking fund under this chapter is provided in 2007 Iowa Acts, House File 829, section 7(7).

**107.1(2) Fund termination and transition.** The targeted industries networking fund in this chapter was established in order to implement 2007 Iowa Acts, House File 829, section 7(7), and 2011 Iowa Code Supplement section 15.412(3)“i.” In 2012 Iowa Acts, House File 2473, section 31, the general assembly rescinded the provisions that provided the statutory basis for the fund. The rules in this chapter that were in effect upon the repeal of the fund shall apply to all awards made and all contracts entered into under the fund on or before June 30, 2012, and shall continue to apply until such time as all such contracts, including all amendments to such contracts, reach the end of their effective contract periods and are closed by the authority. No new awards will be made under the fund, and no new contracts will be entered into on or after July 1, 2012.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—107.2(82GA,ch122) Purpose.** The purpose of the targeted industries networking fund is to provide financial assistance to support sponsorships of networking events for the creation of new deal flow within the targeted industries. Sponsors of networking events will bring together entrepreneurs, start-up businesses, established companies, venture capitalists, and members of the academic research community to discuss new technologies, innovations, opportunities, resources, or needs of the targeted industries.

**261—107.3(82GA,ch122) Definitions.**

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Board*” means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

“*Committee*” means the technology commercialization committee established by the board pursuant to 261—Chapter 1.

“*Deal flow*” means the creation and maintenance of a flow of business proposals for evaluation and decisions for financial backing.

“*Fund*” means the targeted industries networking fund.

“*Networking event*” means a sponsored event that facilitates linkages between businesses, investors, and academic problem solvers to create new deal flow within the targeted industries.

“*Targeted industry*” means the industries of advanced manufacturing, biosciences, and information technology.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—107.4(82GA,ch122) Program funding.**

**107.4(1)** The maximum award shall not exceed \$5,000 for a single project. However, as deemed appropriate, the committee may review proposals for funding in excess of \$5,000 to support the presentation of a nationally recognized speaker in the field of innovation and commercialization.

**107.4(2)** Funds may be used for speaker fees, event marketing and collateral materials, facility rentals or other project expenses deemed reasonable and appropriate by the authority.

**107.4(3)** The forms of financial assistance may consist of, but are not limited to, loans, forgivable loans, grants and such other forms of assistance the board deems appropriate and consistent with the needs of a given project.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—107.5(82GA,ch122) Eligible applicants.** Eligible applicants must be industry groups, businesses or other sponsors of networking events designed for the creation of new deal flow within the targeted industries.

**261—107.6(82GA,ch122) Application and review process.**

**107.6(1)** An industry group, business or other sponsor of a networking event must submit an application for financial assistance, in the form specified by the authority, to the Economic Development Authority, 200 East Grand Avenue, Des Moines, Iowa 50309. Required forms and instructions are available by contacting the authority at that address or from the authority's Web site at [www.iowaeconomicdevelopment.com](http://www.iowaeconomicdevelopment.com).

**107.6(2)** To apply for financial assistance from the fund, an industry group, business or other sponsor of a networking event shall submit an application to the authority, in the form specified by the authority. The application will be reviewed by authority staff, the committee and the board. The committee will make a recommendation to the board regarding an application. The board has final decision-making authority on requests for financial assistance from the fund. The board may approve, defer or deny an application.

**107.6(3)** An application for financial assistance shall include all information required by the authority including, but not limited to, the following:

*a. Event topic.* A description of the theme for the networking event or planned topic of discussion. Topics must be substantive in nature and address key innovations, opportunities, resources, or needs of the event attendees.

*b. Event format.* Events must have a planned structure, including an agenda. Formats may include business panels, business executive presentations with question and answer periods, intellectual property showcases and presentations, roundtable discussions, "speed networking" sessions, workshops, plant and laboratory tours, or other formats deemed appropriate by the authority. Strictly social events and member-only events for associations will not qualify for funding.

*c. Resources and budget.* A budget that includes a detailed description of the sources and uses of the funds.

*d. Project outcomes.* A statement of the anticipated project outcomes including potential industry connections and benefits to the targeted industries.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—107.7(82GA,ch122) Application selection criteria.** When applications for financial assistance are reviewed, the following criteria shall be considered:

**107.7(1) Event format.** Whether the event follows one of the required formats and is beneficial to the targeted industries.

**107.7(2) Event approach.** Whether the topic area is innovative and the recommended speakers and attendees are the appropriate targeted industries audience.

**107.7(3) Financial requirement.** Whether the application includes matching funds and in-kind match and whether the amount available is sufficient to complete the project.

**107.7(4) Project outcomes.** Whether the project outcomes include potential industry connections and benefits to the targeted industries.

**261—107.8(82GA,ch122) Contract and reporting.**

**107.8(1) Notice of award.** Successful applicants will be notified in writing of an award of financial assistance, including any conditions and terms of the approval.

**107.8(2) Contract required.** The authority shall prepare a contract which includes, but is not limited to, a description of the networking event to be completed by the applicant; conditions for disbursement; required reports; and the repayment requirements imposed in the event the applicant does not fulfill its obligations described in the contract and other specific repayment provisions ("clawback" provisions) to be established on a project-by-project basis.

**107.8(3) Reporting.** An applicant shall submit any information requested by the authority in sufficient detail to permit the authority to prepare the report required pursuant to 2007 Iowa Acts, House File 829, section 10, and any other reports deemed necessary by the authority, the board, the general assembly or the governor's office.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

These rules are intended to implement Iowa Code sections 15.411 and 15.412.

[Filed emergency 9/20/07—published 10/10/07, effective 9/20/07]

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CHAPTER 108  
ACCELERATION AND DEVELOPMENT OF INNOVATIVE IDEAS AND BUSINESSES

**261—108.1(15) Authority.** The authority for adopting rules establishing a program to accelerate the development of innovative ideas and businesses by providing assistance for the expansion of the proof of commercial relevance concept, the expansion of applied research, and support for a manufacturing extension partnership program under this chapter is provided in 2012 Iowa Acts, House File 2473, division II.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—108.2(15) Purpose and description of program components.**

**108.2(1)** The purpose of the program is to accelerate the development of innovative ideas and businesses.

**108.2(2)** The program has three primary components:

- a. A component for the expansion of the proof of commercial relevance concept.
- b. A component for the expansion of applied research.
- c. A component to provide support for a manufacturing extension partnership program.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—108.3(15) Definitions.** As used in this chapter, unless the context otherwise requires:

“*Applicant*” means an innovative business or other business, a university, a nonprofit organization, or another entity applying to the authority for assistance under the program.

“*Applied research*” means a systematic inquiry into the practical application of science and technology. Applied research includes translational research, participative research, and other related terms that are similar to or share the goals of applied research.

“*Assistance*” means technical and financial assistance available under the program.

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Board*” means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

“*Committee*” means the technology commercialization committee established by the board pursuant to 261—Chapter 1.

“*Corporation*” means the Iowa innovation corporation created pursuant to Iowa Code section 15.107.

“*Financial assistance*” means assistance provided only from the funds, rights, and assets legally available to the authority and includes but is not limited to assistance in the form of grants, loans, forgivable loans, and royalty agreements.

“*Innovative business*” means the same as defined in Iowa Code section 15E.52(1) “c.”

“*MEP*” means a manufacturing extension partnership and its associated program component.

“*POCR*” means the proof of commercial relevance concept and its associated program component.

“*Program*” means the components of the program established in this chapter pursuant to Iowa Code section 15.411.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—108.4(15) Program description, application procedures, and delegation of functions.**

**108.4(1) General description.** The program provides technical assistance and financial assistance for the expansion of POOCR, the expansion of applied research, and support for MEP. All awards of financial assistance must ultimately be approved by the board, after submission of a proposal by the applicant and a recommendation on the proposal by the committee. A contract must be entered into with the authority before moneys will be disbursed to an applicant.

**108.4(2) Program component descriptions and activities.** The program has three primary components: a POOCR component, an applied research component, and an MEP component. The corporation shall be the entity responsible for ensuring that technical and other applicable assistance is provided to applicants and shall also work with the authority on the provision of financial assistance. In

working with the authority to provide financial assistance, the corporation shall perform the functions delegated pursuant to subrule 108.4(4).

*a.* The POCR component makes financial assistance available to applicants who undertake projects that commercialize new technologies. The authority, in conjunction with the corporation, will award financial assistance to not more than six applicants each year under the component. The financial assistance will be awarded to innovative businesses that are pursuing the validation of the marketability of a technology. Applicants may submit applications to the authority for assistance under this component. Such applications should describe in detail what technologies the applicant is researching, how the applicant is pursuing commercialization of those technologies, and how the financial assistance will be used to bring the new technologies to market in Iowa.

*b.* The applied research component makes financial assistance available to innovative businesses in order to allow them to better connect university research to their needs and to accelerate the transfer of new technologies to the marketplace. The authority, in conjunction with the corporation, may award financial assistance to university researchers who are attempting to bring their research more in line with market and industrial needs by forming partnerships with innovative businesses. Financial assistance under this component may take the form of grant funds. If grant funds are awarded, the applicant shall be required to match the amount of grant funds with other moneys at a ratio of one to one. Applicants may submit applications to the authority for assistance under this component. Such applications should describe in detail what activities the applicant will engage in to accelerate the validation of technology for the marketplace.

*c.* The MEP component makes financial assistance available to service providers that form partnerships with innovative businesses to conduct workshops for the purpose of providing assistance in determining and prioritizing applied research needs based on gaps in productivity or product needs and that offer to broker connections between innovative businesses and the researchers who can perform the necessary applied research. Financial assistance is also available to innovative businesses under this component for product development, design verification, custom equipment development, manufacturing process development, and technology development and commercialization. The authority, in conjunction with the corporation, will award financial assistance to eligible innovative businesses. Applicants may submit applications to the authority for assistance under this component. Such applications should describe in detail the nature of the partnerships being formed, what activities the partnership will undertake, and how such activities will further the goals of this component. Applicants must submit applications for assistance under this component and must describe in detail how the proposed services will expand the applicant's market penetration, create a new product with market relevance, or enhance an existing product by further innovation.

**108.4(3)** *Application and award procedures.* Applicants to the program may submit applications to the authority for financial assistance. To be eligible, an applicant must meet the requirements of one of the components described in subrule 108.4(2). The applications will receive an initial review to confirm program eligibility before being sent to the committee for a recommendation on funding. The committee will provide its recommendation to the board for a final determination on the provision of financial assistance. The board may approve, deny, or defer each application for financial assistance under the program. The board will consider applications for financial assistance on a first-come, first-served basis. If the board approves funding for a business, the authority will prepare a required contract specifying the terms and conditions under which the financial assistance is to be provided to the business.

**108.4(4)** *Delegation of certain administrative functions to the corporation.* The authority will delegate certain administrative functions of the program to the corporation. The functions that will be delegated are:

*a.* The initial application review process, including an analysis of the application and a determination as to whether the applicant meets all requirements of eligibility under the program and a recommendation on the amount of financial assistance to be provided and under what terms and conditions.

b. The tracking and monitoring of the applicant's progress as well as the eventual outcomes achieved as a result of an award. The corporation shall report annually to the authority on the results of the program.

c. The tracking and monitoring of contract terms and conditions for applicants receiving financial assistance under the program.

d. The provision of technical assistance as described in subrule 108.4(2).

**108.4(5) *Administrative functions not delegated.*** The authority will retain, and not delegate, the performance of the following functions: (1) the final determination as to whether to approve, deny, or defer an award of financial assistance; (2) the disbursement of moneys provided for in an award of financial assistance; (3) the final determination as to whether there is a default in the terms of a contract entered into under the program, including all decisions regarding appropriate remedies for such a default; and (4) any other function not clearly delegated to the corporation pursuant to subrule 108.4(4).

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

#### **261—108.5(15) Program funding.**

**108.5(1) *Program funding limitation.*** Each year, the authority allocates moneys for purposes of the programs listed in Iowa Code section 15.411, including this program. The amount allocated each year will depend on the amount appropriated to the authority by the general assembly. The authority may allocate other funds to the program as such funds may from time to time become available.

**108.5(2) *Individual applicant limitation.*** The authority reserves the right to determine how much financial assistance any one applicant will receive. A contract is required of each successful applicant, and such contract will provide for the amount and terms and conditions of the award.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

#### **261—108.6(15) Contract and report information required.**

**108.6(1) *Contract required.*** An applicant awarded financial assistance under the program shall enter into a contract with the authority for the receipt of such funds. The authority will include in the contract all terms and conditions for receipt of the funds, including any terms recommended by the corporation. The tracking and monitoring of the contract terms will be delegated to the corporation. The corporation shall provide regular reports to the authority on the progress of the applicant and on the results of the tracking and monitoring. The authority will make the final determination as to compliance with the terms of the contract and as to whether and when to disburse funds to the applicant.

**108.6(2) *Reporting information required.*** An applicant may be required to submit all information necessary for the authority to compile a report on the results of the program. The authority will include terms in the required contract effectuating this requirement.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

These rules are intended to implement Iowa Code chapter 15.

[Filed ARC 0611C (Notice ARC 0408C, IAB 10/17/12), IAB 2/20/13, effective 3/27/13]



CHAPTER 109  
TARGETED INDUSTRIES CAREER AWARENESS FUND

**261—109.1(82GA,ch122) Authority—fund termination and transition.**

**109.1(1) Authority.** The authority for adopting rules governing the targeted industries career awareness fund under this chapter is provided in 2007 Iowa Acts, House File 829, section 7(9).

**109.1(2) Fund termination and transition.** The targeted industries career awareness fund in this chapter was established pursuant to 2011 Iowa Code Supplement section 15.412(3)“b.” In 2012 Iowa Acts, House File 2473, section 31, the general assembly rescinded the provisions that provided the statutory basis for the fund. The rules in this chapter that were in effect upon the repeal of the fund shall apply to all awards made and all contracts entered into under the program on or before June 30, 2012, and shall continue to apply until such time as all such contracts, including all amendments to such contracts, reach the end of their effective contract periods and are closed by the authority. No new awards will be made under the fund, and no new contracts will be entered into on or after July 1, 2012.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—109.2(82GA,ch122) Purpose.** The purpose of the targeted industries career awareness fund is to provide financial assistance to support a statewide public awareness campaign to educate students, parents and educators about career opportunities within the targeted industries. The goal of the fund is to showcase educational and career opportunities within the targeted industries and to assist students, teachers and parents in the development of educational plans and curriculum to take advantage of these opportunities.

**261—109.3(82GA,ch122) Definitions.**

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Board*” means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

“*Career awareness campaign*” means a statewide educational and public awareness campaign to inform students, parents and educators about career opportunities within the targeted industries.

“*Committee*” means the technology commercialization committee established by the board pursuant to 261—Chapter 1.

“*Fund*” means the targeted industries career awareness fund.

“*Targeted industry*” means the industries of advanced manufacturing, biosciences, and information technology.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—109.4(82GA,ch122) Program funding.**

**109.4(1)** Funds may be used for marketing and collateral materials, Web site development or other project expenses deemed reasonable and appropriate by the authority, such as technical and logistical support.

**109.4(2)** The forms of financial assistance may consist of, but are not limited to, loans, forgivable loans, grants and such other forms of assistance the board deems appropriate and consistent with the needs of a given project.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—109.5(82GA,ch122) Matching funds requirement.** An eligible applicant shall provide matching funds of at least one dollar of nonstate moneys for every two dollars received from the authority.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—109.6(82GA,ch122) Eligible applicants.** Eligible applicants must be industry associations, educational institutions or associations and their industry partners in the targeted industries with efforts or initiatives for a statewide educational/public awareness campaign(s) to inform students, parents and educators about career opportunities within the targeted industries.

**261—109.7(82GA,ch122) Application and review process.**

**109.7(1)** For career awareness campaigns beginning on or after September 1, 2007, an industry association group must submit an application for financial assistance, in the form specified by the authority, to the Economic Development Authority, 200 East Grand Avenue, Des Moines, Iowa 50309. Required forms and instructions are available by contacting the authority at that address or from the authority's Web site at [www.iowaeconomicdevelopment.com](http://www.iowaeconomicdevelopment.com).

**109.7(2)** To apply for financial assistance from the fund, an industry association group shall submit an application to the authority, in the form specified by the authority. The application will be reviewed by authority staff, the committee and the board. The committee will make a recommendation to the board regarding an application. The board has final decision-making authority on requests for financial assistance from the fund. The board may approve, defer or deny an application.

**109.7(3)** An application for financial assistance shall include all information required by the authority including, but not limited to, the following:

*a. Project scope.* A description clearly defining the issue(s) to be addressed through the career awareness campaign.

*b. Target audience.* A description of distinct groups or segments of the population the campaign will reach.

*c. Campaign development.* A description of campaign strategies and goals to effectively communicate with the target audience.

*d. Campaign management.* A description of campaign execution and time frame for meeting project goals and milestones, including any collaborative partnerships for campaign success.

*e. Campaign budget.* A description of the campaign budget that includes a detailed explanation of the sources and uses of the funds and a description of future campaign sustainability.

*f. Campaign measurement.* A statement of anticipated campaign outcomes including industry connections and benefits to the targeted industries.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—109.8(82GA,ch122) Application selection criteria.** When applications for financial assistance are reviewed, the following criteria shall be considered:

**109.8(1)** *Project approach.* Whether the proposed approach is reaching its intended targeted audience and bringing awareness to the targeted industries.

**109.8(2)** *Campaign development.* Whether campaign strategies and goals will be effectively communicated to the target audience and increase awareness of careers within the targeted industries.

**109.8(3)** *Collaboration.* Whether the project demonstrates collaboration among business partners, academic institutions, and state agencies.

**109.8(4)** *Campaign sustainability.* Whether the application includes a plan for campaign sustainability and future growth.

**109.8(5)** *Financial requirement.* Whether the required matching funds have been secured and the total budget is sufficient to complete the campaign.

**109.8(6)** *Estimate for project completion.* Whether the required work can be completed in accordance with the time frame for the project.

**109.8(7)** *Project outcomes.* Whether the project outcomes include direct industry connections and increased awareness of careers within the targeted industries.

**109.8(8)** *Review.* Applications will be reviewed in the order received by the authority. The board may approve, defer or deny each application for financial assistance, based on the availability of funds. To be considered for funding, an application must receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—109.9(82GA,ch122) Contract and reporting.**

**109.9(1)** *Notice of award.* Successful applicants will be notified in writing of an award of financial assistance, including any conditions and terms of the approval.

**109.9(2) *Contract required.*** The authority shall prepare a contract, which includes, but is not limited to, a description of the activities to be completed by the applicant; conditions for disbursement; required reports; and the repayment requirements imposed in the event the applicant does not fulfill its obligations described in the contract and other specific repayment provisions (“clawback” provisions) to be established on a project-by-project basis.

**109.9(3) *Reporting.*** An applicant shall submit any information requested by the authority in sufficient detail to permit the authority to prepare the report required pursuant to 2007 Iowa Acts, House File 829, section 10, and any other reports deemed necessary by the authority, the board, the general assembly or the governor’s office.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

These rules are intended to implement 2007 Iowa Acts, chapter 122.

[Filed emergency 9/20/07—published 10/10/07, effective 9/20/07]

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[Filed ARC 0611C (Notice ARC 0408C, IAB 10/17/12), IAB 2/20/13, effective 3/27/13]



CHAPTER 111  
SUPPLY CHAIN DEVELOPMENT PROGRAM

**261—111.1(15,83GA,SF142) Authority—program termination and transition.**

**111.1(1) *Authority.*** The authority for adopting rules governing the supply chain development program is 2011 Iowa Code section 15.411(10).

**111.1(2) *Program termination and transition.*** The supply chain development program in this chapter was established in order to implement 2007 Iowa Acts, House File 829, section 7(7), and 2011 Iowa Code Supplement section 15.412(3) “g.” In 2012 Iowa Acts, House File 2473, section 31, the general assembly rescinded the provisions that provided the statutory basis for the program. The rules in this chapter that were in effect upon the repeal of the program shall apply to all awards made and all contracts entered into under the program on or before June 30, 2012, and shall continue to apply until such time as all such contracts, including all amendments to such contracts, reach the end of their effective contract periods and are closed by the authority. No new awards will be made under the program, and no new contracts will be entered into on or after July 1, 2012.

[ARC 8211B, IAB 10/7/09, effective 11/11/09; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—111.2(15,83GA,SF142) Purpose.** The purpose of this program is for the economic development authority to collaborate with the department of workforce development to create a supplier capacity and product database. Targeted industries will be provided technical assistance for supply chain development through improved linkages to Iowa suppliers, the targeted industries’ production capabilities and capacities, and technology commercialization services.

[ARC 8211B, IAB 10/7/09, effective 11/11/09; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—111.3(15,83GA,SF142) Definitions.**

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Board*” means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

“*Committee*” means the technology commercialization committee established by the board pursuant to 261—Chapter 1.

“*Performance improvement programs*” means process management philosophies, best practices, and appropriate tools from methodologies in use in manufacturing total quality and value systems that support supply chain development and provide a competitive advantage.

“*Supply chain*” means a network of facilities that procure raw materials, transform them into intermediate goods and then final products, and deliver the products to customers through a distribution system.

“*Supply chain development*” means strategic and operational activities implemented by manufacturers to effectively and efficiently meet the requirements of their existing customers and to identify possible new customers.

“*Targeted industry*” means the industries of advanced manufacturing, biosciences, and information technology.

[ARC 8211B, IAB 10/7/09, effective 11/11/09; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—111.4(15,83GA,SF142) Program funding.**

**111.4(1)** Awards shall be made on a per-project basis upon board approval. The maximum award shall not exceed \$100,000 for a single project.

**111.4(2)** Funds shall be used for the analysis of targeted industry clusters and the development and delivery of manufacturing supply chain development programs. Funds may be used for personnel salaries, software, research data services, and the development and delivery of performance improvement programs. Funds may be used for the systematic design and layout planning for manufacturing operational areas and to purchase machinery and equipment.

**111.4(3)** Funds shall not be used for university overhead or indirect expenses or for any work that was conducted by the applicant or any third-party consultant prior to the term of the contract.

**111.4(4)** Awards from the program shall be in the form of a grant.  
[ARC 8211B, IAB 10/7/09, effective 11/11/09]

**261—111.5(15,83GA,SF142) Matching funds requirement.** In order to receive financial assistance, an applicant must demonstrate the ability to secure one dollar of nonstate moneys for every one dollar received from the authority. This requirement does not apply to collaborative projects between the economic development authority and the department of workforce development.  
[ARC 8211B, IAB 10/7/09, effective 11/11/09; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—111.6(15,83GA,SF142) Eligible applicants.**

**111.6(1)** An eligible applicant must be a for-profit business located in Iowa and must demonstrate the commitment of more than one company from one or more of the following industries as classified by the North American Industry Classification System:

- Biosciences.
- Information technologies.
- Advanced manufacturing.

**111.6(2)** Applications from the U.S. Department of Commerce/NIST manufacturing extension partnership in Iowa (MEP) on behalf of eligible for-profit businesses located in Iowa will be considered for funding.

**111.6(3)** The authority will establish discrete projects and collaborative projects with the department of workforce development, which do not require application, for supplier capacity and product database initiatives.

[ARC 8211B, IAB 10/7/09, effective 11/11/09; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—111.7(15,83GA,SF142) Ineligible applicants.**

**111.7(1)** A business which is engaged in retail sales or which provides health services is ineligible.

**111.7(2)** A business which closes or substantially reduces its workforce by more than 20 percent at existing operations in order to relocate substantially the same operation to another area of the state is ineligible for 36 consecutive months at any of its Iowa sites from the date the new establishment opens.  
[ARC 8211B, IAB 10/7/09, effective 11/11/09]

**261—111.8(15,83GA,SF142) Application process.**

**111.8(1)** An organization, institution of higher learning, individual or business must submit an application to the Economic Development Authority, 200 East Grand Avenue, Des Moines, Iowa 50309, in a form provided by the authority. Required forms and instructions are available by contacting the authority at that address or from the authority's Web site at [www.iowaeconomicdevelopment.com](http://www.iowaeconomicdevelopment.com).

**111.8(2)** The technology commercialization committee shall have the authority to evaluate each application and shall provide a suggested funding amount to the board for consideration.

**111.8(3)** An application for technical assistance under the program shall include any information required by the authority including, but not limited to, all of the following:

- a. Proposed services for manufacturing supply chain development, organized information, or technical assistance.
- b. A listing of the Iowa companies and executives committed to participating in the technical assistance services.
- c. A description of the scope of work.
- d. A description of the performance metrics.
- e. Resources and project budget.
- f. Project time line and milestones.

[ARC 8211B, IAB 10/7/09, effective 11/11/09; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—111.9(15,83GA,SF142) Application selection criteria.** In reviewing applications for technical assistance, the committee shall consider the following criteria:

1. Experience in implementing successful supply chain development programs with Iowa manufacturing companies.

2. Experience in implementing successful performance improvement programs with Iowa manufacturing companies.
3. Formal linkages to resources available from national organizations providing supply chain development programs.
4. Number of Iowa original equipment manufacturers (OEMs) and suppliers involved in the application.
5. Established, existing data and experience in preparing organized information (e.g., database, product flow, analysis, GIS tools, charts) regarding Iowa manufacturers' supply chain development programs.
6. Ability to create and analyze targeted industry cluster and subcluster data to generate strategic recommendations for economic development.
7. The degree to which the supply chain development program could be sustained and replicated.
8. Potential impact on the manufacturing output of Iowa OEMs and suppliers.
9. Budget, financial matching, and total leverage.
10. Return on state investment.

[ARC 8211B, IAB 10/7/09, effective 11/11/09]

**261—111.10(15,83GA,SF142) Intellectual property.** All intellectual property developed or used for the application must be made available to the authority for future supply chain development efforts with Iowa manufacturers and suppliers. If the applicant does not own the intellectual property described in the application, the applicant must provide satisfactory evidence of its right to use or further develop the intellectual property.

[ARC 8211B, IAB 10/7/09, effective 11/11/09; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—111.11(15,83GA,SF142) Contract and reporting.**

**111.11(1) Notice of award.** Successful applicants shall be notified in writing of an award of assistance, including any conditions and terms of the approval.

**111.11(2) Contract required.** The authority shall prepare a contract which includes, but is not limited to, a description of the project to be completed by the business; conditions to disbursement; required reports; the repayment requirements imposed on the business in the event the business does not fulfill its obligations described in the contract; and other specific repayment provisions ("clawback" provisions) to be established on a project-by-project basis.

**111.11(3) Reporting.** An applicant shall submit any information requested by the authority in sufficient detail to permit the authority to prepare the report required pursuant to Iowa Code section 15.104(9) "I" and any other reports deemed necessary by the authority, the board, the general assembly or the governor's office.

[ARC 8211B, IAB 10/7/09, effective 11/11/09; ARC 0611C, IAB 2/20/13, effective 3/27/13]

These rules are intended to implement Iowa Code sections 15.411 and 15.412.

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CHAPTER 112  
MANAGEMENT TALENT RECRUITMENT PROGRAM  
Rescinded **ARC 0611C**, IAB 2/20/13, effective 3/27/13



CHAPTER 114  
IOWA INNOVATION COUNCIL

**261—114.1(15) Authority.** The authority for establishing rules governing the Iowa innovation council under this chapter is provided in Iowa Code section 15.117A.

[ARC 8850B, IAB 6/16/10, effective 7/1/10; ARC 9061B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—114.2(15) Purpose.** The purpose of the Iowa innovation council is to advise the authority on the development and implementation of public policies that enhance innovation and entrepreneurship in the targeted industries.

[ARC 8850B, IAB 6/16/10, effective 7/1/10; ARC 9061B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—114.3(15) Definitions.**

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Board*” means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

“*Chief technology officer*” means the person appointed pursuant to Iowa Code section 15.117. The chief technology officer serves as chairperson of the council pursuant to Iowa Code section 15.117A.

“*Committee*” means the technology commercialization committee established by the board pursuant to 261—Chapter 1.

“*Council*” means the Iowa innovation council established by Iowa Code section 15.117A.

“*Director*” means the director of the authority or the director’s designee.

“*Targeted industry*” means the industries of advanced manufacturing, bioscience, and information technology. Alternative and renewable energy is considered a sector within the advanced manufacturing and bioscience industries.

“*Vice chairperson*” means the voting member elected to serve as the council vice chairperson for a one-year term.

[ARC 8850B, IAB 6/16/10, effective 7/1/10; ARC 9061B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—114.4(15) Iowa innovation council funding.** The authority shall provide assistance to the council with staff and administrative support. The authority may expend moneys allocated to the innovation and commercialization fund in order to provide such support. The council shall not have the authority to expend moneys or resources or to execute contracts. The authority may accept grant funds on behalf of the council, but the council shall not provide any form of financial assistance awards. Authority for and approval of all financial expenditures and contracts for the council shall be granted solely by the director on behalf of the authority.

[ARC 8850B, IAB 6/16/10, effective 7/1/10; ARC 9061B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—114.5(15) Council membership.**

**114.5(1)** The council shall consist of the following members:

*a.* Twenty voting members selected by the board to serve staggered, two-year terms beginning and ending as provided in Iowa Code section 69.19. Members to be selected shall include the following representatives:

(1) Seven shall be representatives from businesses in the targeted industries; and

(2) Thirteen shall be individuals who serve on the technology commercialization committee, or other committees of the board, and who have expertise with the targeted industries.

(3) Ten of the 20 members selected pursuant to subparagraphs (1) and (2) of paragraph “*a*” shall be executives actively engaged in the management of a business in a targeted industry.

*b.* Nine voting members as set forth below:

(1) One member, selected by the governor, who also serves on the Iowa capital investment board created in Iowa Code section 15E.63.

- (2) The director of the authority, or the director's designee.
- (3) The chief technology officer appointed pursuant to Iowa Code section 15.117, who shall serve as chairperson of the council.
- (4) The director of the department of workforce development, or the director's designee.
- (5) The president of the state university of Iowa, or the president's designee.
- (6) The president of Iowa state university of science and technology, or the president's designee.
- (7) The president of the university of northern Iowa, or the president's designee.
- (8) Two community college presidents from geographically diverse areas of the state, selected by the Iowa association of community college trustees.

c. Four members of the general assembly serving two-year terms in a nonvoting, ex officio capacity, with two from the senate and two from the house of representatives and not more than one member from each chamber being from the same political party. The two senators shall be designated one member each by the president of the senate after consultation with the majority leader of the senate, and by the minority leader of the senate. The two representatives shall be designated one member each by the speaker of the house of representatives after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives.

**114.5(2)** To be eligible to serve as a designee, a person must have sufficient authority to make decisions on behalf of the organization being represented. A designee shall not permit a substitute to attend council meetings on the designee's behalf.

**114.5(3)** A vacancy on the council shall be filled in the same manner as the original selection and shall be for the remainder of the term.

[ARC 8850B, IAB 6/16/10, effective 7/1/10; ARC 9061B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

#### **261—114.6(15) Responsibilities and deliverables.**

**114.6(1)** The purpose of the council is to advise the authority on the development and implementation of public policies that enhance innovation and entrepreneurship in the targeted industries. Such advice may include evaluating Iowa's competitive position in the global economy; reviewing the technology typically utilized in the state's manufacturing sector; assessing the state's overall scientific research capacity; keeping abreast of the latest scientific research and technological breakthroughs and offering guidance as to their impact on public policy; recommending strategies that foster innovation, increase new business formation, and otherwise promote economic growth in the targeted industries; and offering guidance about future developments in the targeted industries.

**114.6(2)** The council shall do the following:

- a. Prepare a report of the expenditures of moneys appropriated and allocated to the authority for certain programs authorized pursuant to 2009 Iowa Code Supplement sections 15.411 as amended by 2010 Iowa Acts, House File 2076, and 15.412 relating to the development and commercialization of businesses in the targeted industries.
- b. Prepare a summary of the activities of the technology commercialization committee and the Iowa innovation council.
- c. Create a comprehensive strategic plan for implementing specific strategies that foster innovation, increase new business formation, and promote economic growth.
- d. Review existing programs that relate to the targeted industries and suggest changes to improve efficiency and effectiveness.
- e. Conduct industry research and prepare reports for the general assembly, the governor, the authority, and other policy-making bodies within state government.
- f. Act as a forum where issues affecting the research community, the targeted industries, and policy makers can be discussed and addressed.

[ARC 8850B, IAB 6/16/10, effective 7/1/10; ARC 9061B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—114.7(15) Executive committee.** In order to effectively carry out the responsibilities of the council, an executive committee within the council shall be formed.

**114.7(1) *Membership.*** The executive committee shall include the chief technology officer, vice chairperson of the council, the director of the authority, and four board-appointed members of the council who also serve on the technology commercialization committee in order to:

- a. Solicit individuals to become council members;
- b. Review vacancies and resignations;
- c. Review all nominees and application materials and recommend nominees to the council to recommend to the board for appointment;
- d. Nominate one of the voting members to serve as vice chairperson;
- e. Approve the formation of work groups, appoint work group members and leaders, review activities of the work groups, and report to the council to ensure the coordination of activity of work groups;
- f. Record the official proceedings for the council;
- g. Act on behalf of the council between council meetings, as directed by the council;
- h. Issue reports on behalf of the council, as directed by the council;
- i. Meet with the chief technology officer to discuss the overall management of the business of the council; and
- j. Review potential conflicts of interest on the part of any member of the council.

**114.7(2) *Quorum; authority.*** A majority of the members of the executive committee constitutes a quorum. A majority vote of the quorum is required to approve actions of the executive committee. The executive committee shall not have the authority to bind the council to its decisions or recommendations but merely the authority to recommend action to the council or to take action as directed by the council. [ARC 8850B, IAB 6/16/10, effective 7/1/10; ARC 9061B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—114.8(15) *Application and review process for board-appointed council members.*** The council shall review application materials for board-appointed nominees identified by the executive committee and shall recommend to the board for appointment those nominees who the council believes will add value to and further the purposes of the council.

[ARC 8850B, IAB 6/16/10, effective 7/1/10; ARC 9061B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—114.9(15) *Voting.*** A majority of the members of the council constitutes a quorum. A majority vote of the quorum is required to approve actions of the council, including recommendations.

[ARC 8850B, IAB 6/16/10, effective 7/1/10; ARC 9061B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—114.10(15) *Meetings and commitment of time.*** The chief technology officer shall be responsible for convening meetings of the council and is expected to convene at least four regular meetings of the council, within any period of 12 consecutive calendar months, beginning on July 1 or January 1, including at least one annual meeting. The annual meeting of the council shall be convened in January at a convenient location in Des Moines. The chief technology officer shall not convene a meeting of the council unless the director of the authority, or the director's designee, is present at the meeting.

[ARC 8850B, IAB 6/16/10, effective 7/1/10; ARC 9061B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—114.11(15) *Nonattendance.***

**114.11(1)** Any member serving on the council shall be deemed to have submitted a resignation to the council if either of the following events occurs.

- a. The member does not attend two or more consecutive regular meetings of the council.
- b. The member attends less than one-half of the regular council meetings within any period of 12 calendar months beginning on July 1 or January 1.

**114.11(2)** The requirements of this rule shall supersede the attendance requirements described in Iowa Code section 69.15 only to the extent that statutory construction pursuant to Iowa Code chapter 4 allows.

[ARC 8850B, IAB 6/16/10, effective 7/1/10; ARC 9061B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—114.12(15) Council work groups.**

**114.12(1)** The council shall establish work groups, both standing and temporary, to assist in the execution of responsibilities of the council and to expand the intellectual capacity of the council. Work groups shall be directed by a work group leader. Work groups shall encourage diversity of talent, the size and geographic location of businesses in the targeted industries, and invite a wider assembly of corporate and university executives, scientists, financial executives, venture investors, and experienced entrepreneurs from across the state.

**114.12(2)** To be eligible to serve as a work group leader, a nominee must be one of the eligible voting members of the council. The executive committee shall review and approve the formation of proposed work groups and approve proposed work group members and leaders. The chief technology officer and vice chairperson shall serve as ex officio members of all work groups established by the council.

[ARC 8850B, IAB 6/16/10, effective 7/1/10; ARC 9061B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

**261—114.13(15) Reporting.** The executive committee shall review, comment on, and formally submit any and all reports on behalf of the council. The chief technology officer is designated by the board as the signing officer for certain documents. The chief technology officer is authorized to sign correspondence, applications, reports, or other nonfinancial documents produced by the council. The chief technology officer shall serve as a key spokesperson for the council and be responsible for coordinating the communication of information requested by the authority in sufficient detail to permit the authority to prepare any reports that may be required by the authority, the board, the general assembly or the governor's office.

[ARC 8850B, IAB 6/16/10, effective 7/1/10; ARC 9061B, IAB 9/8/10, effective 10/13/10; ARC 0611C, IAB 2/20/13, effective 3/27/13]

These rules are intended to implement Iowa Code section 15.117A.

[Filed Emergency ARC 8850B, IAB 6/16/10, effective 7/1/10]

[Filed ARC 9061B (Notice ARC 8851B, IAB 6/16/10), IAB 9/8/10, effective 10/13/10]

[Filed ARC 0611C (Notice ARC 0408C, IAB 10/17/12), IAB 2/20/13, effective 3/27/13]

**EDUCATIONAL EXAMINERS BOARD[282]**

[Prior to 6/15/88, see Professional Teaching Practices Commission[640]]  
[Prior to 5/16/90, see Professional Teaching Practices Commission[287]]

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CHAPTER 11  
COMPLAINTS, INVESTIGATIONS,  
CONTESTED CASE HEARINGS

[Prior to 6/15/88, see Professional Teaching Practices Commission[640] Ch 2]

[Prior to 5/16/90, see Professional Teaching Practices Commission[287] Ch 2]

**282—11.1(17A,272) Scope and applicability.** This chapter applies to contested case proceedings conducted by the board of educational examiners.

**282—11.2(17A) Definitions.** Except where otherwise specifically defined by law:

“*Board*” means the board of educational examiners.

“*Complainant*” means any qualified party who files a complaint with the board.

“*Contested case*” means a proceeding defined by Iowa Code section 17A.2(5) and includes any matter defined as a no factual dispute contested case under Iowa Code section 17A.10A.

“*Issuance*” means the date of mailing of a decision or order or date of delivery if service is by other means unless another date is specified in the order.

“*Party*” means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

“*Presiding officer*” means an administrative law judge from the Iowa department of inspections and appeals or the full board or a three-member panel of the board.

“*Proposed decision*” means the presiding officer’s recommended findings of fact, conclusions of law, decision, and order in a contested case in which the full board did not preside.

“*Respondent*” means any individual who is charged in a complaint with violating the criteria of professional practices or the criteria of competent performance.

[ARC 0026C, IAB 3/7/12, effective 4/11/12]

**282—11.3(17A,272) Jurisdictional requirements.**

**11.3(1)** The case must relate to alleged violation of the criteria of professional practices or the criteria of competent performance.

**11.3(2)** The magnitude of the alleged violation must be adequate to warrant a hearing by the board.

**11.3(3)** There must be sufficient evidence to support the complaint.

**11.3(4)** The complaint must be filed by a person who has personal knowledge of an alleged violation and must include a concise statement of facts which clearly and specifically apprises the respondent of the details of the allegation(s).

**11.3(5)** The complaint must be filed within three years of the occurrence of the conduct upon which it is based or discovery of the conduct by the complainant unless good cause can be shown for extension of this limitation.

**11.3(6)** The jurisdictional requirements must be met on the face of the complaint before the board may order an investigation of the allegation(s) of the complaint.

**11.3(7)** As an additional factor, it should appear that a reasonable effort has been made to resolve the problem on the local level. However, the absence of such an effort shall not preclude investigation by the board.

**282—11.4(17A,272) Complaint.**

**11.4(1) Who may initiate.** The following entities may initiate a complaint:

a. Licensed practitioners employed by a school district or their educational entity or their recognized local or state professional organization.

b. Local boards of education.

c. Parents or guardians of students involved in the alleged complaint.

d. The executive director of the board of educational examiners if the following circumstances have been met:

(1) The executive director receives information that a practitioner:

1. Has been convicted of a felony criminal offense, or a misdemeanor criminal offense wherein the victim of the crime was 18 years of age or younger, and the executive director expressly determines within the complaint that the nature of the offense clearly and directly impacts the practitioner's fitness or ability to retain the specific license(s) or authorization(s) which the practitioner holds; or

2. Has been the subject of a founded report of child abuse placed upon the central registry maintained by the department of human services pursuant to Iowa Code section 232.71D and the executive director expressly determines within the complaint that the nature of the offense clearly and directly impacts the practitioner's fitness or ability to retain the specific license(s) or authorization(s) which the practitioner holds; or

3. Has not met a reporting requirement stipulated by Iowa Code section 272.15, Iowa Code section 279.43, 281—subrule 102.11(2), 282—Chapter 11, or 282—Chapter 25; or

4. Has falsified a license or authorization issued by the board; or

5. Has submitted false information on a license or authorization application filed with the board; or

6. Does not hold the appropriate license for the assignment for which the practitioner is currently employed; or

7. Has assigned another practitioner to perform services for which the practitioner is not properly licensed; and

(2) The executive director verifies the information or the alleged misconduct through review of official records maintained by a court, the department of human services registry of founded child abuse reports, the practitioner licensing authority of another state, the department of education, the local school district, area education agency, or authorities in charge of the nonpublic school, or the executive director is presented with the falsified license; and

(3) No other complaint has been filed.

e. The department of transportation if the licensee named in the complaint holds a behind-the-wheel instructor's certification issued by the department and the complaint relates to an incident or incidents arising during the course of driver's education instruction.

f. An employee of the department of education who, while performing official duties, becomes aware of any alleged misconduct by an individual licensed under Iowa Code section 272.2.

**11.4(2) Form and content of the complaint.**

a. The complaint shall be in writing and signed by at least one complainant who has personal knowledge of an alleged violation of the board's rules or related state law or an authorized representative if the complainant is an organization. (An official form may be used. This form may be obtained from the board upon request.)

b. The complaint shall show venue as "BEFORE THE BOARD OF EDUCATIONAL EXAMINERS" and shall be captioned "COMPLAINT."

c. The complaint shall contain the following information:

(1) The full name, address and telephone number of the complainant.

(2) The full name, address and telephone number, if known, of the respondent.

(3) A concise statement of the facts which clearly and specifically apprises the respondent of the details of the alleged violation of the criteria of professional practices or the criteria of competent performance and the relief sought by the complainant.

(4) An explanation of the basis of the complainant's personal knowledge of the facts underlying the complaint.

(5) A citation to the specific rule or law which the complainant alleges has been violated.

**11.4(3) Required copies—place and time of filing the complaint.**

a. A copy of the complaint must be filed with the board.

b. The complaint must be delivered personally or by mail to the office of the board. The current office address is the Grimes State Office Building, Third Floor, Des Moines, Iowa 50319-0147.

c. Timely filing is required in order to ensure the availability of witnesses and to avoid initiation of an investigation under conditions which may have been significantly altered during the period of delay.

The conduct upon which it is based must have occurred or been discovered by the complainant within three years of filing of the complaint unless good cause is shown for an extension of this limitation.

**11.4(4) *Amendment or withdrawal of complaint.*** A complaint or any specification thereof may be amended or withdrawn by the complainant at any time. The parties to a complaint may mutually agree to the resolution of the complaint at any time in the proceeding prior to issuance of a final order by the board. The resolution must be committed to a written agreement and filed with the board. The agreement is not subject to approval by the board, but shall be acknowledged by the board and may be incorporated into an order of the board.

**11.4(5) *Respondent entitled to copy of the complaint.*** Immediately upon the board's determination that jurisdictional requirements have been met, the respondent shall be provided a copy of the complaint or amended complaint and any supporting documents attached to the complaint at the time of filing.

**11.4(6) *Voluntary surrender of license—agreement to accept lesser sanction.*** A practitioner may voluntarily surrender the practitioner's license or agree to accept a lesser sanction from the board prior to or after the filing of a complaint with the board without admitting the truth of the allegations of the complaint if a complaint is on file with the board. In order to voluntarily surrender a license or submit to a sanction, the practitioner must waive the right to hearing before the board and notify the board of the intent to surrender or accept sanction. The board may issue an order permanently revoking the practitioner's license if it is surrendered, or implementing the agreed upon sanction. The board may decline to issue an agreed upon sanction if, in the board's judgment, the agreed upon sanction is not appropriate for the circumstances of the case.

**11.4(7) *Investigation of license reports.***

*a.* Reports received by the board from another state, territory or other jurisdiction concerning licenses or certificate revocation or suspension shall be reviewed and investigated by the board in the same manner as is prescribed in these rules for the review and investigation of written complaints.

*b.* Failure to report a license revocation, suspension or other disciplinary action taken by licensing authority of another state, territory or jurisdiction within 30 days of the final action by such licensing authority shall constitute cause for initiation of an investigation.

**11.4(8) *Timely resolution of complaints.*** Complaints filed with the board must be resolved within 180 days unless good cause can be shown for an extension of this limitation. The board will provide notice to the parties to a complaint prior to taking action to extend this time limitation upon its own motion.

**11.4(9) *Confidentiality.*** All complaint files, investigation files, other investigation reports, and other investigation information in the possession of the board or its employees or agents, which relate to licensee discipline, are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the respondent and the board and its employees and agents involved in licensee discipline, and are not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline. However, investigative information in the possession of the board or its employees or agents which is related to licensee discipline may be disclosed to appropriate licensing authorities within this state, the appropriate licensing authorities in another state, the District of Columbia, or a territory or country in which the licensee is licensed or has applied for a license. A final written decision and finding of fact by the board in a disciplinary proceeding is a public record.

[ARC 8406B, IAB 12/16/09, effective 1/20/10 (See Delay note at end of chapter); ARC 8823B, IAB 6/2/10, effective 5/14/10; ARC 0026C, IAB 3/7/12, effective 4/11/12]

**282—11.5(272) *Investigation of complaints or license reports.*** The chairperson of the board or the chairperson's designee may request an investigator to investigate the complaint or report received by the board from another state, territory or other jurisdiction concerning license or certificate revocation or suspension pursuant to subrule 11.4(7); providing that the jurisdictional requirements have been met on the face of the complaint. The investigation shall be limited to the allegations contained on the face of the complaint. The investigator may consult an assistant attorney general concerning the investigation or evidence produced from the investigation. Upon completion of the investigation, the investigator shall

prepare a report of the investigation for consideration by the board in determining whether probable cause exists.

**282—11.6(272) Ruling on the initial inquiry.** Upon review of the investigator's report, the board may take any of the following actions:

**11.6(1) *Reject the case.*** If a determination is made by the board to reject the case, the complaint shall be returned to the complainant along with a statement specifying the reasons for rejection. A letter of explanation concerning the decision of the board shall be sent to the respondent.

**11.6(2) *Require further inquiry.*** If determination is made by the board to order further inquiry, the complaint and recommendations by the investigator(s) shall be returned to the investigator(s) along with a statement specifying the information deemed necessary.

**11.6(3) *Accept the case.*** If a determination is made by the board that probable cause exists to conclude that the criteria of professional practices or the criteria of competent performance have been violated, notice shall be issued, pursuant to rule 282—11.7(17A,272), and a formal hearing shall be conducted in accordance with rules 282—11.7(17A,272) to 282—11.21(17A,272), unless a voluntary waiver of hearing has been filed by the respondent pursuant to the provisions of subrule 11.4(6).

**11.6(4) *Release of investigative report.*** If the board finds probable cause of a violation, the investigative report will be available to the respondent upon request. Information contained within the report is confidential and may be used only in connection with the disciplinary proceedings before the board.

**282—11.7(17A,272) Notice of hearing.**

**11.7(1) *Delivery.*** Delivery of the notice of hearing constitutes the commencement of the contested case proceeding. Delivery may be executed by:

- a. Personal service as provided in the Iowa Rules of Civil Procedure; or
- b. Certified mail, return receipt requested; or
- c. Publication, as provided in the Iowa Rules of Civil Procedure.

**11.7(2) *Contents.*** The notice of hearing shall contain the following information:

- a. A statement of the time, date, place, and nature of the hearing;
- b. A statement of the legal authority and jurisdiction under which the hearing is to be held;
- c. A reference to the particular sections of the statutes and rules involved;
- d. A short and plain statement of the matter asserted;
- e. Identification of all parties including the name, address and telephone numbers of counsel representing each of the parties where known;
- f. Reference to the procedural rules governing conduct of the contested case proceeding;
- g. Identification of the presiding officer, if known. If not known, a description of who will serve as presiding officer; and
- h. Notification of the time period in which a party may request, pursuant to Iowa Code section 17A.11 and rule 282—11.8(17A,272), that the presiding officer be an administrative law judge.

[ARC 0606C, IAB 2/20/13, effective 3/27/13]

**282—11.8(17A,272) Presiding officer.**

**11.8(1)** Any party who wishes to request that the presiding officer assigned to render a proposed decision be an administrative law judge employed by the department of inspections and appeals must file a written request within 20 days after service of a notice of hearing which identifies or describes the presiding officer as the board.

**11.8(2)** The board may deny the request only upon a finding that one or more of the following apply:

- a. Neither the board nor any officer of the board under whose authority the contested case is to take place is a named party to the proceeding or a real party in interest to that proceeding.
- b. There is a compelling need to expedite issuance of a final decision in order to protect the public health, safety, or welfare.

c. An administrative law judge with the qualifications identified in subrule 11.8(4) is unavailable to hear the case within a reasonable time.

d. The case involves significant policy issues of first impression that are inextricably intertwined with the factual issues presented.

e. The demeanor of the witnesses is likely to be dispositive in resolving the disputed factual issues.

f. Funds are unavailable to pay the costs of an administrative law judge and an interagency appeal.

g. The request was not timely filed.

h. The request is not consistent with a specified statute.

**11.8(3)** The board shall issue a written ruling specifying the grounds for its decision within 20 days after a request for an administrative law judge is filed. If the ruling is contingent upon the availability of an administrative law judge with the qualifications identified in subrule 11.8(4), the parties shall be notified at least 10 days prior to hearing if a qualified administrative law judge will not be available.

**11.8(4)** An administrative law judge assigned to act as presiding officer in a contested case shall have the following technical expertness unless waived by the board:

a. A J.D. degree.

b. Additional criteria may be added by the board.

**11.8(5)** Except as provided otherwise by another provision of law, all rulings by an administrative law judge acting as presiding officer are subject to appeal to the board. A party must seek any available intra-agency appeal in order to exhaust adequate administrative remedies.

**11.8(6)** Unless otherwise provided by law, the board, when reviewing a proposed decision upon intra-agency appeal, shall have the powers of and shall comply with the provisions of this chapter which apply to presiding officers.

**282—11.9(17A,272) Waiver of procedures.** Unless otherwise precluded by law, the parties in a contested case proceeding may waive any provision of this chapter. However, the board in its discretion may refuse to give effect to such a waiver when it deems the waiver to be inconsistent with the public interest.

**282—11.10(17A,272) Telephone proceedings.** The presiding officer may resolve preliminary procedural motions by telephone conference in which all parties have an opportunity to participate. Other telephone proceedings may be held with the consent of all parties. The presiding officer will determine the location of the parties and witnesses for telephone hearings. The convenience of the witnesses or parties, as well as the nature of the case, will be considered when location is chosen.

**282—11.11(17A,272) Disqualification.**

**11.11(1)** A presiding officer or board member shall withdraw from participation in the making of any proposed or final decision in a contested case if that person:

a. Has a personal bias or prejudice concerning a party or a representative of a party;

b. Has personally investigated, prosecuted or advocated in connection with that case, the specific controversy underlying that case, another pending factually related contested case, or a pending factually related controversy that may culminate in a contested case involving the same parties;

c. Is subject to the authority, direction or discretion of any person who has personally investigated, prosecuted or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy involving the same parties;

d. Has acted as counsel to any person who is a private party to that proceeding within the past two years;

e. Has a personal financial interest in the outcome of the case or any other significant personal interest that could be substantially affected by the outcome of the case;

f. Has a spouse or relative within the third degree of relationship that: (1) is a party to the case, or an officer, director or trustee of a party; (2) is a lawyer in the case; (3) is known to have an interest that could be substantially affected by the outcome of the case; or (4) is likely to be a material witness in the case; or

g. Has any other legally sufficient cause to withdraw from participation in the decision making in that case.

**11.11(2)** The term “personally investigated” means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term “personally investigated” does not include general direction and supervision of assigned investigators, unsolicited receipt of information which is relayed to assigned investigators, review of another person’s investigative work product in the course of determining whether there is probable cause to initiate a proceeding, or exposure to factual information while performing other agency functions, including fact gathering for purposes other than investigation of the matter which culminates in a contested case. Factual information relevant to the merits of a contested case received by a person who later serves as presiding officer in that case shall be disclosed if required by Iowa Code section 17A.17 and subrules 11.11(3) and 11.24(9).

**11.11(3)** In a situation where a presiding officer or board member knows of information which might reasonably be deemed to be a basis for disqualification and decides voluntary withdrawal is unnecessary, that person shall submit the relevant information for the record by affidavit and shall provide for the record a statement of the reasons for the determination that withdrawal is unnecessary.

**11.11(4)** If a party asserts disqualification on any appropriate ground, including those listed in subrule 11.11(1), the party shall file a motion supported by an affidavit pursuant to Iowa Code section 17A.17(7). The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party.

If the presiding officer determines that disqualification is appropriate, the presiding officer or board member shall withdraw. If the presiding officer determines that withdrawal is not required, the presiding officer shall enter an order to that effect. A party asserting disqualification may seek an interlocutory appeal under rule 282—11.26(17A,272) and seek a stay under rule 282—11.30(17A,272).

[ARC 0026C, IAB 3/7/12, effective 4/11/12]

#### **282—11.12(17A,272) Consolidation—severance.**

**11.12(1) Consolidation.** The presiding officer may consolidate any or all matters at issue in two or more contested case proceedings where: (a) the matters at issue involve common parties or common questions of fact or law; (b) consolidation would expedite and simplify consideration of the issues involved; and (c) consolidation would not adversely affect the rights of any of the parties to those proceedings.

**11.12(2) Severance.** The presiding officer may, for good cause shown, order any contested case proceedings or portions thereof severed.

#### **282—11.13(17A,272) Pleadings.**

**11.13(1) Pleadings** may be required by rule, by the notice of hearing, or by order of the presiding officer.

**11.13(2) Answer.** An answer shall be filed within 20 days of service of the notice of hearing unless otherwise ordered. A party may move to dismiss or apply for a more definite and detailed statement when appropriate.

An answer shall show on whose behalf it is filed and specifically admit, deny, or otherwise answer all material allegations of the notice of hearing to which it responds. It shall state any facts deemed to show an affirmative defense and contain as many additional defenses as the pleader may claim.

An answer shall state the name, address and telephone number of the person filing the answer, the person or entity on whose behalf it is filed, and the attorney representing that person, if any.

Any allegation in the notice of hearing not denied in the answer is considered admitted. The presiding officer may refuse to consider any defense not raised in the answer which could have been raised on the basis of facts known when the answer was filed if any party would be prejudiced.

**11.13(3) Amendment.** Notices of hearing and answers may be amended with the consent of the parties or in the discretion of the presiding officer who may impose terms or grant a continuance.

**282—11.14(17A,272) Service and filing of pleadings and other papers.**

**11.14(1) Service—when required.** Except where otherwise provided by law, every document filed in a contested case proceeding shall be served upon each of the parties of record to the proceeding, simultaneously with their filing. Except for the original notice of hearing and an application for rehearing as provided in Iowa Code section 17A.16(2), the party filing a document is responsible for service on all parties.

**11.14(2) Service—how made.** Service upon a party represented by an attorney shall be made upon the attorney unless otherwise ordered. Service is made by delivery or by mailing a copy to the person's last-known address. Service by mail is complete upon mailing, except where otherwise specifically provided by statute, rule, or order.

**11.14(3) Filing—when required.** After the notice of hearing, all documents in a contested case proceeding shall be filed with the Board of Educational Examiners, Grimes State Office Building, Des Moines, Iowa 50319-0147. All documents that are required to be served upon a party shall be filed simultaneously with the board.

**11.14(4) Filing—when made.** Except where otherwise provided by law, a document is deemed filed at the time it is delivered to the board, delivered to an established courier service for immediate delivery to that office, or mailed by first-class mail or state interoffice mail to that office, so long as there is proof of mailing.

**11.14(5) Proof of mailing.** Proof of mailing includes either: a legible United States Postal Service postmark on the envelope, a certificate of service, a notarized affidavit, or a certification in substantially the following form:

I certify under penalty of perjury and pursuant to the laws of Iowa that, on (date of mailing), I mailed copies of (describe document) addressed to the (agency office and address) and to the names and addresses of the parties listed below by depositing the same in (a United States post office mailbox with correct postage properly affixed or state interoffice mail).

(Date)

(Signature)

**282—11.15(17A,272) Discovery.**

**11.15(1)** Discovery procedures applicable in civil actions are applicable in contested cases. Unless lengthened or shortened by these rules or by order of the presiding officer, time periods for compliance with discovery shall be as provided in the Iowa Rules of Civil Procedure.

**11.15(2)** Any motion relating to discovery shall allege that the moving party has previously made a good-faith attempt to resolve the discovery issues involved with the opposing party. Motions in regard to discovery shall be ruled upon by the presiding officer. Opposing parties shall be afforded the opportunity to respond within ten days of the filing of the motion unless the time is shortened as provided in subrule 11.15(1). The presiding officer may rule on the basis of the written motion and any response, or may order argument on the motion.

**11.15(3)** Evidence obtained in discovery may be used in the contested case proceeding if that evidence would otherwise be admissible under rule 282—11.22(17A,272). In discovery matters, the parties shall honor the rules of privilege imposed by law.

**282—11.16(17A,272) Subpoenas.**

**11.16(1) Subpoenas.** In connection with the investigation set forth in rule 282—11.5(272), the board is authorized by law to subpoena books, papers, records and any other evidence to help it determine whether it should institute a contested case proceeding (hearing). After service of the hearing notification contemplated by rule 282—11.7(17A,272), the following procedures are available to the parties in order to obtain relevant and material evidence:

*a.* Board subpoenas for books, papers, records, and other evidence will be issued to a party upon request. Such a request must be in writing. Application should be made to the board office specifying the evidence sought. Subpoenas for witnesses may also be obtained.

b. Evidence obtained by subpoena shall be admissible at the hearing if it is otherwise admissible under rule 282—11.22(17A,272). In subpoena matters the parties shall honor the rules of privilege imposed by law.

c. The evidence outlined in Iowa Code section 17A.13(2) where applicable and relevant shall be made available to a party upon request.

d. Except to the extent otherwise provided by law, parties are responsible for service of their own subpoenas and payment of witness fees and mileage expenses.

**11.16(2) *Motion to quash or modify.*** The presiding officer may quash or modify a subpoena for any lawful reason upon motion in accordance with the Iowa Rules of Civil Procedure. A motion to quash or modify a subpoena shall be set for argument promptly.

**282—11.17(17A,272) Motions.**

**11.17(1)** No technical form for motions is required. However, prehearing motions must be in writing, state the grounds for relief, and state the relief sought.

**11.17(2)** Any party may file a written response to a motion within ten days after the motion is served, unless the time period is extended or shortened by rules of the agency or the presiding officer.

**11.17(3)** The presiding officer may schedule oral arguments on any motion.

**11.17(4)** Motions pertaining to the hearing, including motions for summary judgment, must be filed and served at least ten days prior to the date of hearing unless there is good cause for permitting later action or the time for such action is lengthened or shortened by rule of the agency or an order of the presiding officer.

**282—11.18(17A,272) Prehearing conference.**

**11.18(1)** Any party may request a prehearing conference. A written request for prehearing conference or an order for prehearing conference on the presiding officer's own motion shall be filed not less than seven days prior to the hearing date. A prehearing conference shall be conducted not less than three business days prior to the hearing date.

Written notice of the prehearing conference shall be given by the presiding officer to all parties. For good cause the presiding officer may permit variances from this rule.

**11.18(2)** Each party shall bring to the prehearing conference:

a. A final list of the witnesses who the party anticipates will testify at hearing. Witnesses not listed may be excluded from testifying unless there was good cause for the failure to include their names; and

b. A final list of exhibits which the party anticipates will be introduced at hearing. Exhibits other than rebuttal exhibits that are not listed may be excluded from admission into evidence unless there was good cause for the failure to include them.

c. Witness or exhibit lists may be amended subsequent to the prehearing conference within the time limits established by the presiding officer at the prehearing conference. Any such amendments must be served on all parties.

**11.18(3)** In addition to the requirements of subrule 11.18(2), the parties at a prehearing conference may:

a. Enter into stipulations of law or fact;

b. Enter into stipulations on the admissibility of exhibits;

c. Identify matters which the parties intend to request be officially noticed;

d. Enter into stipulations for waiver of any provision of law; and

e. Consider any additional matters which will expedite the hearing.

**11.18(4)** Prehearing conferences shall be conducted by telephone unless otherwise ordered. Parties shall exchange and receive witness and exhibit lists in advance of a telephone prehearing conference.

**282—11.19(17A,272) Continuances.** A party has no automatic right to a continuance or delay of the board's hearing procedure or schedule. However, a party may request a continuance of the presiding officer no later than seven days prior to the date set for hearing. The presiding officer shall have the power to grant continuances. Within seven days of the date set for hearing, no continuances shall be granted

except for extraordinary, extenuating or emergency circumstances. In these situations, the presiding officer shall grant continuances after consultation, if needed, with the chairperson of the board, the executive director, or the attorney representing the board. A board member shall not be contacted in person, by mail or telephone by a party seeking a continuance.

**282—11.20(17A,272) Intervention.**

**11.20(1) Motion.** A motion for leave to intervene in a contested case proceeding shall state the grounds for the proposed intervention, the position and interest of the proposed intervenor, and the possible impact of intervention on the proceeding. A proposed answer or petition in intervention shall be attached to the motion. Any party may file a response within 14 days of service of the motion to intervene unless the time period is extended or shortened by the presiding officer.

**11.20(2) When filed.** Motion for leave to intervene shall be filed as early in the proceeding as possible to avoid adverse impact on existing parties or the conduct of the proceeding. Unless otherwise ordered, a motion for leave to intervene shall be filed before the prehearing conference, if any, or at least 20 days before the date scheduled for hearing. Any later motion must contain a statement of good cause for the failure to file in a timely manner. Unless inequitable or unjust, an intervenor shall be bound by any agreement, arrangement, or other matter previously raised in the case. Requests by untimely intervenors for continuances which would delay the proceeding will ordinarily be denied.

**11.20(3) Grounds for intervention.** The movant shall demonstrate that: (a) intervention would not unduly prolong the proceedings or otherwise prejudice the rights of existing parties; (b) the movant is likely to be aggrieved or adversely affected by a final order in the proceeding; and (c) the interests of the movant are not adequately represented by existing parties.

**11.20(4) Effect of intervention.** If appropriate, the presiding officer may order consolidation of the petitions and briefs of different parties whose interests are aligned with each other and limit the number of representatives allowed to participate actively in the proceedings. A person granted leave to intervene is a party to the proceeding. The order granting intervention may restrict the issues that may be raised by the intervenor or otherwise condition the intervenor's participation in the proceeding.

**282—11.21(17A,272) Hearing procedures.**

**11.21(1)** The presiding officer presides at the hearing and may rule on motions, require briefs, issue a proposed decision, and issue such orders and rulings as will ensure the orderly conduct of the proceedings. If the presiding officer is the board or a panel thereof, an administrative law judge from the Iowa department of inspections and appeals may be designated to assist the board in conducting proceedings under this chapter. An administrative law judge so designated may rule upon motions and other procedural matters and assist the board in conducting the hearing.

**11.21(2)** All objections shall be timely made and stated on the record.

**11.21(3) Legal representation.**

*a.* The respondent has a right to participate in all hearings or prehearing conferences and may be represented by an attorney or another person authorized by law.

*b.* The office of the attorney general or an attorney designated by the executive director shall be responsible for prosecuting complaint allegations in all contested case proceedings before the board, except those cases in which the sole allegation involves the failure of a practitioner to fulfill contractual obligations. The assistant attorney general or other designated attorney assigned to prosecute a contested case before the board shall not represent the board or the complainant in that case, but shall represent the public interest.

*c.* In a case in which the sole allegation involves the failure of a practitioner to fulfill contractual obligations, the person who files the complaint with the board, or the complainant's designee, shall represent the complainant during the contested case proceedings.

**11.21(4)** Subject to terms and conditions prescribed by the presiding officer, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses present at the hearing as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and submit briefs and engage in oral argument.

**11.21(5)** The presiding officer shall maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

**11.21(6)** Witnesses may be sequestered during the hearing.

**11.21(7)** The presiding officer shall conduct the hearing in the following manner:

*a.* The presiding officer shall give an opening statement briefly describing the nature of the proceedings;

*b.* The parties shall be given an opportunity to present opening statements;

*c.* Parties shall present their cases in the sequence determined by the presiding officer;

*d.* Each witness shall be sworn or affirmed by the presiding officer or the court reporter and be subject to examination and cross-examination. The presiding officer may limit questioning in a manner consistent with law;

*e.* When all parties and witnesses have been heard, parties may be given the opportunity to present final arguments.

**282—11.22(17A,272) Evidence.**

**11.22(1)** The presiding officer shall rule on admissibility of evidence and may, where appropriate, take official notice of facts in accordance with all applicable requirements of law.

**11.22(2)** Stipulation of facts is encouraged. The presiding officer may make a decision based on stipulated facts.

**11.22(3)** Evidence in the proceeding shall be confined to the issues concerning allegations raised on the face of the complaint as to which the parties received notice prior to the hearing.

**11.22(4)** The party seeking admission of an exhibit must provide opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. Copies of documents should normally be provided to opposing parties.

All exhibits admitted into evidence shall be appropriately marked and be made part of the record.

**11.22(5)** Any party may object to specific evidence or may request limits on the scope of any examination or cross-examination. Such an objection shall be accompanied by a brief statement of the grounds upon which it is based. The objection, the ruling on the objection, and the reasons for the ruling shall be noted in the record. The presiding officer may rule on the objection at the time it is made or may reserve a ruling until the written decision.

**11.22(6)** Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony shall briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence consists of a document or exhibit, it shall be marked as part of an offer of proof and inserted in the record.

**282—11.23(17A,272) Default.**

**11.23(1)** If a party fails to appear or participate in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and render a decision in the absence of the party.

**11.23(2)** Where appropriate and not contrary to law, any party may move for default against a party who has requested the contested case proceeding and has failed to file a required pleading or has failed to appear after proper service.

**11.23(3)** Default decisions or decisions rendered on the merits after a party has failed to appear or participate in a contested case proceeding become final agency action unless, within 15 days after the date of notification or mailing of the decision, a motion to vacate is filed and served on all parties or an appeal of a decision on the merits is timely initiated within the time provided by rule 282—11.28(17A,272). A motion to vacate must state all facts relied upon by the moving party which establish that good cause existed for that party's failure to appear or participate at the contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit of a person with personal knowledge of each such fact, which affidavit(s) must be attached to the motion.

**11.23(4)** The time for further appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate.

**11.23(5)** Properly substantiated and timely filed motions to vacate shall be granted only for good cause shown. The burden of proof as to good cause is on the moving party. Adverse parties shall have ten days to respond to a motion to vacate. Adverse parties shall be allowed to conduct discovery as to the issue of good cause and to present evidence on the issue prior to a decision on the motion, if a request to do so is included in that party's response.

**11.23(6)** "Good cause" for purposes of this rule shall have the same meaning as "good cause" for setting aside a default judgment under Iowa Rule of Civil Procedure 1.977.

**11.23(7)** A decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case proceeding. A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to rule 282—11.26(17A,272).

**11.23(8)** If a motion to vacate is granted and no timely interlocutory appeal has been taken, the presiding officer shall issue another notice of hearing and the contested case shall proceed accordingly.

**11.23(9)** A default decision may award any relief consistent with the request for relief made in the petition and embraced in its issues (but, unless the defaulting party has appeared, it cannot exceed the relief demanded).

**11.23(10)** A default decision may provide either that the default decision is to be stayed pending a timely motion to vacate or that the default decision is to take effect immediately, subject to a request for stay under rule 282—11.30(17A,272).

[ARC 0026C, IAB 3/7/12, effective 4/11/12]

**282—11.24(17A,272) Ex parte communication.**

**11.24(1)** Prohibited communications. Unless required for the disposition of ex parte matters specifically authorized by statute, following issuance of the notice of hearing, there shall be no communication, directly or indirectly, between the presiding officer and any party or representative of any party or any other person with a direct or indirect interest in such case in connection with any issue of fact or law in the case except upon notice and opportunity for all parties to participate. This does not prohibit persons jointly assigned such tasks from communicating with each other. Nothing in this provision is intended to preclude the presiding officer from communicating with members of the board or seeking the advice or help of persons other than those with a personal interest in, or those engaged in personally investigating as defined in subrule 11.11(2), prosecuting, or advocating in, either the case under consideration or a pending factually related case involving the same parties as long as those persons do not directly or indirectly communicate to the presiding officer any ex parte communications they have received of a type that the presiding officer would be prohibited from receiving or that furnish, augment, diminish, or modify the evidence in the record.

**11.24(2)** Prohibitions on ex parte communications commence with the issuance of the notice of hearing in a contested case and continue for as long as the case is pending.

**11.24(3)** Written, oral or other forms of communication are "ex parte" if made without notice and opportunity for all parties to participate.

**11.24(4)** To avoid prohibited ex parte communications, notice must be given in a manner reasonably calculated to give all parties a fair opportunity to participate. Notice of written communications shall be provided in compliance with rule 282—11.13(17A,272) and may be supplemented by telephone, facsimile, electronic mail or other means of notification. Where permitted, oral communications may be initiated through conference telephone call including all parties or their representatives.

**11.24(5)** Board members acting as presiding officers may communicate with each other without notice or opportunity for parties to participate.

**11.24(6)** The executive director or other persons may be present in deliberations or otherwise advise the presiding officer without notice or opportunity for parties to participate as long as they are not disqualified from participating in the making of a proposed or final decision under any provision of law and they comply with subrule 11.24(1).

**11.24(7)** Communications with the presiding officer involving uncontested scheduling or procedural matters do not require notice or opportunity for parties to participate. Parties should notify other parties prior to initiating such contact with the presiding officer when feasible, and shall notify other parties when seeking to continue hearings or other deadlines pursuant to rule 282—11.19(17A,272).

**11.24(8)** Disclosure of prohibited communications. A presiding officer who receives a prohibited ex parte communication during the pendency of a contested case must initially determine if the effect of the communication is so prejudicial that the presiding officer should be disqualified. If the presiding officer determines that disqualification is warranted, a copy of any prohibited written communication, all written responses to the communication, a written summary stating the substance of any prohibited oral or other communication not available in written form for disclosure, all responses made, and the identity of each person from whom the presiding officer received a prohibited ex parte communication shall be submitted for inclusion in the record under seal by protective order (or disclosed). If the presiding officer determines that disqualification is not warranted, such documents shall be submitted for inclusion in the record and served on all parties. Any party desiring to rebut the prohibited communication must be allowed the opportunity to do so upon written request filed within ten days after notice of the communication.

**11.24(9)** Promptly after being assigned to serve as presiding officer at any stage in a contested case proceeding, a presiding officer shall disclose to all parties material factual information received through ex parte communication prior to such assignment unless the factual information has already been or shortly will be disclosed pursuant to Iowa Code section 17A.13(2) or through discovery. Factual information contained in an investigative report or similar document need not be separately disclosed by the presiding officer as long as such documents have been or will shortly be provided to the parties.

**11.24(10)** The presiding officer may render a proposed or final decision imposing appropriate sanctions for violations of this rule including default, a decision against the offending party, censure, or suspension or revocation of the privilege to practice before the department. Violation of ex parte communication prohibitions by department personnel shall be reported to (agency to designate person to whom violations should be reported) for possible sanctions including censure, suspension, dismissal, or other disciplinary action.

**282—11.25(17A,272) Recording costs.** Upon request, the board shall provide a copy of the whole or any portion of the record at cost. The cost of preparing a copy of the record or of transcribing the hearing record shall be paid by the requesting party.

Parties who request that a hearing be recorded by certified shorthand reporters rather than by electronic means shall bear the cost of that recordation, unless otherwise provided by law.

**282—11.26(17A,272) Interlocutory appeals.** Upon written request of a party or on its own motion, the board may review an interlocutory order of the presiding officer. In determining whether to do so, the board shall weigh the extent to which its granting the interlocutory appeal would expedite final resolution of the case and the extent to which review of that interlocutory order by the board at the time it reviews the proposed decision of the presiding officer would provide an adequate remedy. Any request for interlocutory review must be filed within 14 days of issuance of the challenged order, but no later than the time for compliance with the order or the date of hearing, whichever is first.

**282—11.27(17A,272) Final decision.**

**11.27(1)** When the board presides over the reception of evidence at the hearing, its decision is a final decision.

**11.27(2)** When the board does not preside at the reception of evidence, the presiding officer shall make a proposed decision. The proposed decision becomes the final decision of the board without further proceedings unless there is an appeal to, or review on motion of, the board within the time provided in rule 282—11.28(17A,272).

**282—11.28(17A,272) Appeals and review.**

**11.28(1) *Appeal by party.*** Any adversely affected party may appeal a proposed decision to the board within 30 days after issuance of the proposed decision.

**11.28(2) *Review.*** The board may initiate review of a proposed decision on its own motion at any time within 30 days following the issuance of such a decision.

**11.28(3) *Notice of appeal.*** An appeal of a proposed decision is initiated by filing a timely notice of appeal with the board. The notice of appeal must be signed by the appealing party or a representative of that party and contain a certificate of service. The notice shall specify:

- a. The parties initiating the appeal;
- b. The proposed decision or order appealed from;
- c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;
- d. The relief sought;
- e. The grounds for relief.

**11.28(4) *Requests to present additional evidence.*** A party may request the taking of additional evidence only by establishing that the evidence is material, that good cause existed for the failure to present the evidence at the hearing, and that the party has not waived the right to present the evidence. A written request to present additional evidence must be filed with the notice of appeal or, by a nonappealing party, within 14 days of service of the notice of appeal. The board may remand a case to the presiding officer for further hearing or may itself preside at the taking of additional evidence.

**11.28(5) *Scheduling.*** The board shall issue a schedule for consideration of the appeal.

**11.28(6) *Briefs and arguments.*** Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs shall cite any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument shall be filed with the briefs.

The board may resolve the appeal on the briefs or provide an opportunity for oral argument. The board may shorten or extend the briefing period as appropriate.

**282—11.29(17A,272) Applications for rehearing.**

**11.29(1) *By whom filed.*** Any party to a contested case proceeding may file an application for rehearing from a final order.

**11.29(2) *Content of application.*** The application for rehearing shall state on whose behalf it is filed, the specific grounds for rehearing, and the relief sought. In addition, the application shall state whether the applicant desires reconsideration of all or part of the board decision on the existing record and whether, on the basis of the grounds enumerated in subrule 11.28(4), the applicant requests an opportunity to submit additional evidence.

**11.29(3) *Time of filing.*** The application shall be filed with the board within 20 days after issuance of the final decision.

**11.29(4) *Notice to other parties.*** A copy of the application shall be timely mailed by the applicant to all parties of record not joining therein. If the application does not contain a certificate of service, the board shall serve copies on all parties.

**11.29(5) *Disposition.*** Any application for a rehearing shall be deemed denied unless the board grants the application within 20 days after its filing.

**282—11.30(17A,272) Stays of board actions.**

**11.30(1) *When available.***

a. Any party to a contested case proceeding may petition the board for a stay of an order issued in that proceeding or for other temporary remedies, pending review by the board. The petition shall be filed with the notice of appeal and shall state the reasons justifying a stay or other temporary remedy. The executive director may rule on the stay or authorize the presiding officer to do so.

b. Any party to a contested case proceeding may petition the board for a stay or other temporary remedies pending judicial review of all or part of that proceeding. The petition shall state the reasons justifying a stay or other temporary remedy.

**11.30(2) *When granted.*** In determining whether to grant a stay, the executive director or presiding officer shall consider the factors listed in Iowa Code section 17A.19(5).

**11.30(3) *Vacation.*** A stay may be vacated by the issuing authority upon application of the board or any other party.

[ARC 0026C, IAB 3/7/12, effective 4/11/12]

**282—11.31(17A,272) No factual dispute contested cases.** If the parties agree that no dispute of material fact exists as to a matter that would be a contested case if such a dispute of fact existed, the parties may present all relevant admissible evidence either by stipulation or otherwise as agreed by the parties, without necessity for the production of evidence at an evidentiary hearing. If such agreement is reached, a jointly submitted schedule detailing the method and timetable for submission of the record, briefs and oral argument should be submitted to the presiding officer for approval as soon as practicable. If the parties cannot agree, any party may file and serve a motion for summary judgment pursuant to the rules governing such motions.

**282—11.32(17A,272) Emergency adjudicative proceedings.**

**11.32(1) *Necessary emergency action.*** To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare, and consistent with the Constitution and other provisions of law, the board may issue a written order in compliance with Iowa Code section 17A.18 to suspend a license in whole or in part, order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the board by emergency adjudicative order. Before issuing an emergency adjudicative order the board shall consider factors including, but not limited to, the following:

- a. Whether there has been a sufficient factual investigation to ensure that the board is proceeding on the basis of reliable information;
- b. Whether the specific circumstances which pose immediate danger to the public health, safety or welfare have been identified and determined to be continuing;
- c. Whether the person required to comply with the emergency adjudicative order may continue to engage in other activities without posing immediate danger to the public health, safety or welfare;
- d. Whether imposition of monitoring requirements or other interim safeguards would be sufficient to protect the public health, safety or welfare; and
- e. Whether the specific action contemplated by the board is necessary to avoid the immediate danger.

**11.32(2) *Issuance of order.***

a. An emergency adjudicative order shall contain findings of fact, conclusions of law, and policy reasons to justify the determination of an immediate danger in the board's decision to take immediate action.

b. The written emergency adjudicative order shall be immediately delivered to persons who are required to comply with the order by utilizing one or more of the following procedures:

- (1) Personal delivery;
- (2) Certified mail, return receipt requested, to the last address on file with the board;
- (3) Certified mail to the last address on file with the board;
- (4) First-class mail to the last address on file with the board; or
- (5) Fax. Fax may be used as the sole method of delivery if the person required to comply with the order has filed a written request that board orders be sent by fax and has provided a fax number for that purpose.

c. To the degree practicable, the board shall select the procedure for providing written notice that best ensures prompt, reliable delivery.

**11.32(3) Oral notice.** Unless the written emergency adjudicative order is provided by personal delivery on the same day that the order issues, the board shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.

**11.32(4) Completion of proceedings.** After the issuance of an emergency adjudicative order, the board shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

Issuance of a written emergency adjudicative order shall include notification of the date on which board proceedings are scheduled for completion. After issuance of an emergency adjudicative order, continuance of further board proceedings to a later date will be granted only in compelling circumstances upon application in writing.

**282—11.33(272) Methods of discipline.** The board has the authority to impose the following disciplinary sanctions:

1. Revoke a practitioner's license, certificate or authorization.
2. Suspend a practitioner's license, certificate or authorization until further order of the board or for a specific period.
3. Prohibit permanently, until further order of the board, or for a specific period, a practitioner from engaging in specified practices, methods, or acts.
4. Require additional education or training.
5. Order a physical or mental evaluation, or order alcohol and drug screening within a time specified by the board.
6. Issue a public letter of reprimand.
7. Order any other resolution appropriate to the circumstances of the case.

**282—11.34(272) Reinstatement.** Any person whose license, certificate or authorization to practice has been suspended may apply to the board for reinstatement in accordance with the terms and conditions of the order of the suspension.

**11.34(1)** All proceedings for reinstatement shall be initiated by the respondent, who shall file with the board an application for reinstatement. Such application shall be docketed in the original case in which the license, certificate or authorization was suspended. All proceedings upon the application for reinstatement shall be subject to the same rules of procedure as other cases before the board.

**11.34(2)** An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the suspension of the respondent's license, certificate or authorization no longer exists and that it will be in the public interest for the license, certificate or authorization to be reinstated. The burden of proof to establish such facts shall be on the respondent.

**11.34(3)** An order denying or granting reinstatement shall be based upon a decision which incorporates findings of fact and conclusions of law.

**282—11.35(272) Application denial and appeal.** The executive director is authorized by Iowa Code section 272.7 to grant or deny applications for licensure. If the executive director denies an application for an initial or exchange license, certificate, or authorization, the executive director shall send to the applicant by regular first-class mail written notice identifying the factual and legal basis for denying the application. If the executive director denies an application to renew an existing license, certificate, or authorization, the provisions of rule 282—11.36(272) shall apply.

**11.35(1) Mandatory grounds for license denial.** The executive director shall deny an application based on the grounds set forth in Iowa Code section 272.2(14), including:

- a. The license application is fraudulent.
- b. The applicant's license or certification from another state is suspended or revoked.
- c. The applicant fails to meet board standards for application or for license renewal.
- d. The applicant is less than 21 years of age, except that a coaching authorization or paraeducator certificate may be issued to an applicant who is 18 years of age or older, as provided in Iowa Code sections 272.12 and 272.31. A student enrolled in a practitioner preparation program who meets board

requirements for a temporary, limited purpose license and who is seeking to teach as part of the practicum or internship may be less than 21 years of age.

*e.* The applicant has been convicted of one of the disqualifying criminal convictions set forth in paragraph 11.35(2) “a.”

**11.35(2) *Conviction of a crime and founded child abuse.***

*a. Disqualifying criminal convictions.* The board shall deny an application for licensure if the applicant or licensee has been convicted, has pled guilty to, or has been found guilty of the following criminal offenses, regardless of whether the judgment of conviction or sentence was deferred:

(1) Any of the following forcible felonies included in Iowa Code section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;

(2) Any of the following criminal sexual offenses, as provided in Iowa Code chapter 709, involving a child:

1. First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;

2. Lascivious acts with a child;

3. Assault with intent to commit sexual abuse;

4. Indecent contact with a child;

5. Sexual exploitation by a counselor;

6. Lascivious conduct with a minor;

7. Enticing a minor under Iowa Code section 710.10; or

8. Human trafficking under Iowa Code section 710A.2;

(3) Incest involving a child as prohibited by Iowa Code section 726.2;

(4) Dissemination and exhibition of obscene material to minors as prohibited by Iowa Code section 728.2;

(5) Telephone dissemination of obscene material to minors as prohibited by Iowa Code section 728.15;

(6) Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in paragraph 11.35(2) “a”; or

(7) Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in paragraph 11.35(2) “a.”

*b. Other criminal convictions and founded child abuse.* When determining whether a person should be denied licensure based on the conviction of any other crime, including a felony, or a founded report of child abuse, the executive director and the board shall consider the following:

(1) The nature and seriousness of the crime or founded abuse in relation to the position sought;

(2) The time elapsed since the crime or founded abuse was committed;

(3) The degree of rehabilitation which has taken place since the crime or founded abuse was committed;

(4) The likelihood that the person will commit the same crime or abuse again;

(5) The number of criminal convictions or founded abuses committed; and

(6) Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.

**11.35(3) *Fraudulent applications.*** An application shall be considered fraudulent pursuant to Iowa Code section 272.2(14) “b”(3) if it contains any false representation of a material fact or any omission of a material fact which should have been disclosed at the time of application for licensure or is submitted with a false or forged diploma, certificate, affidavit, identification, or other document material to the applicant’s qualification for licensure or material to any of the grounds for denial set forth in Iowa Code section 272.2(14).

**11.35(4) *Appeal procedure.***

*a.* An applicant who is aggrieved by the denial of an application for licensure and who desires to challenge the decision of the executive director must appeal the decision and request a hearing before the

board within 30 calendar days of the date the notice of license denial is mailed. An appeal and request for hearing must be in writing and is deemed made on the date of the United States Postal Service nonmetered postmark or the date of personal service to the board office. The request for hearing shall specify the factual or legal errors the applicant contends were made by the executive director, must identify any factual disputes upon which the applicant desires an evidentiary hearing, and may provide additional written information or documents in support of licensure. If a request for hearing is timely made, the executive director shall promptly issue a notice of contested case hearing on the grounds asserted by the applicant.

*b.* The board, in its discretion, may act as presiding officer at the contested case hearing, may hold the hearing before a panel of three board members, or may request that an administrative law judge act as presiding officer. The applicant may request that an administrative law judge act as presiding officer and render a proposed decision pursuant to rule 282—11.8(17A,272). A proposed decision by a panel of board members or an administrative law judge is subject to appeal or review by the board pursuant to rule 282—11.28(17A,272).

*c.* Hearings concerning licensure denial shall be conducted according to the contested case procedural rules in this chapter. Evidence supporting the denial of the license may be presented by an assistant attorney general. While each party shall have the burden of establishing the affirmative of matters asserted, the applicant shall have the ultimate burden of persuasion as to the applicant's qualification for licensure.

*d.* On appeal, the board may grant or deny the application for licensure. If the application for licensure is denied, the board shall state the reason or reasons for the denial and may state conditions under which the application could be granted, if applicable.

**11.35(5) *Judicial review.*** Judicial review of a final order of the board denying licensure may be sought in accordance with the provisions of Iowa Code section 17A.19 which are applicable to judicial review of an agency's final decision in a contested case. In order to exhaust administrative remedies, an applicant aggrieved by the executive director's denial of an application for licensure must timely appeal the adverse decision to the board.

[ARC 9209B, IAB 11/3/10, effective 12/8/10; ARC 0025C, IAB 3/7/12, effective 4/11/12; ARC 0026C, IAB 3/7/12, effective 4/11/12]

**282—11.36(272) Denial of renewal application.** If the executive director denies an application to renew a license, certificate or authorization, a notice of hearing shall be issued to commence a contested case proceeding. The executive director may deny a renewal application on the same grounds as those that apply to an application for initial or exchange licensure described in subrules 11.35(1) to 11.35(3).

**11.36(1) *Hearing procedure.*** Hearings on denial of an application to renew a license shall be conducted according to the contested case procedural rules in this chapter. Evidence supporting the denial of the license may be presented by an assistant attorney general. The provisions of subrules 11.35(4) and 11.35(5) shall apply.

**11.36(2) *Judicial review.*** Judicial review of a final order of the board denying renewal of licensure may be sought in accordance with the provisions of Iowa Code section 17A.19 which are applicable to judicial review of an agency's final decision in a contested case.

**11.36(3) *Impact of denial of renewal application.*** Pursuant to Iowa Code section 17A.18(2), if the licensee has made timely and sufficient application for renewal, an existing license shall not expire until the last day for seeking judicial review of the board's final order denying the application or a later date fixed by order of the board or reviewing court.

**11.36(4) *Timeliness of renewal application.*** Within the meaning of Iowa Code section 17A.18(2), a timely and sufficient renewal application shall be:

- a.* Received by the board on or before the date the license is set to expire or lapse;
- b.* Signed by the licensee if submitted in paper form or certified as accurate if submitted electronically;
- c.* Fully completed; and

d. Accompanied by the proper fee. The fee shall be deemed improper if the amount is incorrect, the fee was not included with the application, or the licensee's check is unsigned or returned for insufficient funds.

**282—11.37(272) Mandatory reporting of contract nonrenewal or termination or resignation based on allegations of misconduct.** The board of directors of a school district or area education agency, the superintendent of a school district or the chief administrator of an area education agency, and the authorities in charge of a nonpublic school shall report to the board the nonrenewal or termination, for reasons of alleged or actual misconduct, of a person's contract executed under Iowa Code sections 279.12, 279.13, 279.15 through 279.21, 279.23, and 279.24, and the resignation of a person who holds a license, certificate, or authorization issued by the board as a result of or following an incident or allegation of misconduct that, if proven, would constitute a violation of 282—subparagraph 25.3(1) "b"(1), when the board or reporting official has a good-faith belief that the incident occurred or the allegation is true.

**11.37(1) Method of reporting.** The report required by this rule may be made by completion and filing of the complaint form described in subrule 11.4(2) or by the submission of a letter to the executive director of the board which includes: the full name, address, telephone number, title and signature of the reporter; the full name, address, and telephone number of the person who holds a license, certificate or authorization issued by the board; a concise statement of the circumstances under which the termination, nonrenewal, or resignation occurred; and any additional information or documentation which the reporter believes will be relevant to assessment of the report pursuant to subrule 11.37(4).

**11.37(2) Timely reporting required.** The report required by this rule shall be filed within 60 days of the date of local board action on the termination or resignation.

**11.37(3) Confidentiality of report.** Information reported to the board in accordance with this rule is privileged and confidential, and, except as provided in Iowa Code section 272.13, is not subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than the respondent and the board and its employees and agents involved in licensee discipline, and is not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline.

**11.37(4) Action upon receipt of report.**

a. Upon receipt of a report under this rule, the executive director of the board shall review the information reported to determine whether a complaint investigation should be initiated.

b. In making this determination, the executive director shall consider the nature and seriousness of the reported misconduct in relation to the position sought or held, the time elapsed since the misconduct, the degree of rehabilitation, the likelihood that the individual will commit the same misconduct again, and the number of reported incidents of misconduct.

c. If the executive director determines a complaint should not be initiated, no further formal action will be taken and the matter will be closed.

d. If the executive director determines a complaint investigation should be initiated, the executive director shall assign the matter for investigation pursuant to rule 282—11.5(272).

**11.37(5) Proceedings upon investigation.** From the time of initiation of an investigation, the matter will be processed in the same manner as a complaint filed under rule 282—11.4(17A,272).

**282—11.38(256,272) Reporting by department of education employees.**

**11.38(1) Method of reporting.** A report of misconduct made by the director, pursuant to Iowa Code section 256.9(52), or made by an employee of the department of education, pursuant to Iowa Code section 272.15(2), shall comply with the requirements of subrule 11.37(1).

**11.38(2) Confidentiality.** Information reported to the board in accordance with this rule is privileged and confidential, except as provided in Iowa Code section 272.13.

**11.38(3) Review and investigation of report.** The report shall be reviewed and investigated pursuant to subrules 11.37(4) and 11.37(5).

[ARC 0026C, IAB 3/7/12, effective 4/11/12]

**282—11.39(272) Denial of application during a pending professional practices case.** The executive director may deny an application for a Class B license if the applicant is currently under investigation and probable cause has been determined by the board.

[ARC 9659B, IAB 8/10/11, effective 9/14/11]

These rules are intended to implement Iowa Code chapters 17A and 272.

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<sup>1</sup> Effective date of 282—Ch 11 delayed 45 days by the Administrative Rules Review Committee at its meeting held March 10, 2000; delay lifted by the Committee at its meeting held April 7, 2000, effective April 8, 2000.

<sup>2</sup> Two ARCs

<sup>3</sup> Effective date of ARC 8406B delayed until the adjournment of the 2010 Session of the General Assembly by the Administrative Rules Review Committee at its meeting held January 5, 2010.



CHAPTER 13  
ISSUANCE OF TEACHER LICENSES AND ENDORSEMENTS  
[Prior to 1/14/09, see Educational Examiners Board[282] Ch 14]

**282—13.1(272) All applicants desiring Iowa licensure.** Licenses are issued upon application filed on a form provided by the board of educational examiners and upon completion of the following:

**13.1(1) *National criminal history background check.*** An initial applicant will be required to submit a completed fingerprint packet that accompanies the application to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint packet will be assessed to the applicant.

**13.1(2) *Iowa division of criminal investigation background check.*** An Iowa division of criminal investigation background check will be conducted on initial applicants. The fee for the evaluation of the DCI background check will be assessed to the applicant.

**13.1(3) *Temporary permits.*** The executive director may issue a temporary permit to an applicant for any type of license, certification, or authorization issued by the board, after receipt of a fully completed application; determination that the applicant meets all applicable prerequisites for issuance of the license, certification, or authorization; and satisfactory evaluation of the Iowa criminal history background check. The temporary permit shall serve as evidence of the applicant's authorization to hold a position in Iowa schools, pending the satisfactory completion of the national criminal history background check. The temporary permit shall expire upon issuance of the requested license, certification, or authorization or 90 days from the date of issuance of the permit, whichever occurs first, unless the temporary permit is extended upon a finding of good cause by the executive director.

[ARC 0563C, IAB 1/23/13, effective 1/1/13]

**282—13.2(272) Applicants from recognized Iowa institutions.** An applicant for initial licensure shall complete either the teacher, administrator, or school service personnel preparation program from a recognized Iowa institution or an alternative program recognized by the Iowa board of educational examiners. A recognized Iowa institution is one which has its program of preparation approved by the state board of education according to standards established by said board, or an alternative program recognized by the state board of educational examiners. Applicants shall complete the requirements set out in rule 282—13.1(272) and shall also have the recommendation for the specific license and endorsement(s) or the specific endorsement(s) from the designated recommending official at the recognized education institution where the preparation was completed.

**282—13.3(272) Applicants from non-Iowa institutions.**

**13.3(1) *Requirements for applicants from non-Iowa institutions.*** An applicant for licensure who completes the teacher, administrator, or school service personnel preparation program from a non-Iowa institution shall verify the requirements of either subrule 13.18(4) or 13.18(5).

**13.3(2) *Requirements for applicants from non-Iowa traditional teacher preparation programs.*** Provided all requirements for Iowa licensure have been met through a state-approved regionally accredited teacher education program at the graduate or undergraduate level in which college or university credits were given and student teaching was required, the applicant shall:

*a.* Provide a recommendation for the specific license and endorsement(s) from the designated recommending official at the recognized institution where the preparation was completed, and

*b.* Submit a copy of a valid regular teaching certificate or license exclusive of a temporary, emergency or substitute license or certificate, and

*c.* Provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education if the teacher preparation program was completed on or after January 1, 2013. If the teacher preparation program was completed prior to January 1, 2013, the applicant must provide verification of successfully passing the mandated assessment(s) in the state in which the applicant is currently licensed or must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education.

**13.3(3) Requirements for applicants from out-of-state nontraditional teacher preparation programs.** An applicant who holds a valid license from another state and whose preparation was completed through a state-approved nontraditional teacher preparation program must:

- a. Hold a baccalaureate degree with a minimum cumulative grade point average of 2.50 on a 4.0 scale from a regionally accredited institution.
- b. Provide a valid out-of-state teaching license based on a state-approved nontraditional teacher preparation program.
- c. Provide a recommendation from a regionally accredited institution, department of education, or a state's standards board indicating the completion of an approved nontraditional teacher preparation program.
- d. Provide an official institutional transcript(s) to be analyzed for the requirements necessary for full Iowa licensure based on 13.9(4) "a"(1) to (7), 13.9(4) "c"(1) to (5), 13.18(2), 282—13.28(272), and 282—14.2(272).
- e. Meet the recency requirements listed in 13.10(3).
- f. Provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education if the nontraditional teacher preparation program was completed on or after January 1, 2013. If the nontraditional teacher preparation program was completed prior to January 1, 2013, the applicant must provide verification from the state licensing agency/department in the state where the nontraditional teacher preparation program was completed indicating that the applicant has successfully passed that state's mandated assessment(s) or must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education.
- g. Complete a student teaching or internship experience or verify three years of teaching experience.
- h. If through a transcript analysis the professional education core requirements set forth in 13.9(4) "a"(1) to (7), 13.9(4) "c"(1) to (5), and 13.18(2) and the content endorsement requirements pursuant to 282—13.28(272) may be identified by course titles, published course descriptions, and grades, then the transcripts will be reviewed to determine the applicant's eligibility for an Iowa teaching license. However, if the professional education core requirements of 13.9(4) "a"(1) to (7), 13.9(4) "c"(1) to (5), and 13.18(2) and the content endorsement requirements cannot be reviewed in this manner, a portfolio review and evaluation process will be utilized.

**13.3(4) Portfolio review and evaluation process.** An applicant whose professional education core requirements pursuant to 13.9(4) "a"(1) to (7), 13.9(4) "c"(1) to (5), and 13.18(2) or whose content endorsement requirements for special education (282—subrule 14.2(2)) could not be reviewed through transcript analysis may submit to the board a portfolio in the approved format for review and evaluation.

- a. An applicant must demonstrate proficiency in seven of the nine standards in the Iowa professional education core, set forth in 13.18(4) "a" to "i," to be eligible to receive a license.
- b. An applicant must have completed at least 75 percent of the endorsement requirements through a two- or four-year institution in order for the endorsement to be included on the license. An applicant who does not have at least 75 percent of one content endorsement area as described in 282—13.28(272) completed will not be issued a license.
- c. An applicant must meet with the board of educational examiners to answer any of the board's questions concerning the portfolio.
- d. Any deficiencies in the professional education core as set forth in 13.18(4) "a" to "i" or in the special education content endorsement area that are identified during the portfolio review and evaluation process shall be met through coursework with course credits completed at a state-approved, regionally accredited institution or through courses approved by the executive director. Other content deficiencies may be met through coursework in a two- or four-year institution in which course credits are given.

**13.3(5) Definitions.**

"Nontraditional" means any method of teacher preparation that falls outside the traditional method of preparing teachers, that provides at least a one- or two-year sequenced program of instruction taught

at regionally accredited and state-approved colleges or universities, that includes commonly recognized pedagogy classes being taught for course credit, and that requires a student teaching component.

*“Proficiency,”* for the purposes of 13.3(4) *“a,”* means that an applicant has passed all parts of the standard.

*“Recognized non-Iowa teacher preparation institution”* means an institution that is state-approved and is accredited by the regional accrediting agency for the territory in which the institution is located.

[ARC 8139B, IAB 9/9/09, effective 10/14/09; ARC 8610B, IAB 3/10/10, effective 4/14/10; ARC 0563C, IAB 1/23/13, effective 1/1/13]

**282—13.4(272) Applicants from foreign institutions.** An applicant for initial licensure whose preparation was completed in a foreign institution must obtain a course-by-course credential evaluation report completed by one of the board-approved credential evaluation services and then file this report with the Iowa board of educational examiners for a determination of eligibility for licensure. After receiving the notification of eligibility by the Iowa board of educational examiners, the applicant must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education.

[ARC 0563C, IAB 1/23/13, effective 1/1/13]

**282—13.5(272) Teacher licenses.** A license may be issued to applicants who fulfill the general requirements set out in subrule 13.5(1) and the specific requirements set out for each license.

**13.5(1) General requirements.** The applicant shall:

- a. Have a baccalaureate degree from a regionally accredited institution.
- b. Have completed a state-approved teacher education program which meets the requirements of the professional education core.
- c. Have completed an approved human relations component.
- d. Have completed the exceptional learner component.
- e. Have completed the requirements for one of the basic teaching endorsements.
- f. Meet the recency requirement of subrule 13.10(3).

**13.5(2) Renewal requirements.** Renewal requirements for teacher licenses are set out in 282—Chapter 20.

**282—13.6(272) Specific requirements for an initial license.** An initial license valid for two years may be issued to an applicant who meets the general requirements set forth in subrule 13.5(1).

**282—13.7(272) Specific requirements for a standard license.** A standard license valid for five years may be issued to an applicant who:

1. Meets the general requirements set forth in subrule 13.5(1), and
2. Shows evidence of successful completion of a state-approved mentoring and induction program by meeting the Iowa teaching standards as determined by a comprehensive evaluation and two years' successful teaching experience. In lieu of completion of an Iowa state-approved mentoring and induction program, the applicant must provide evidence of three years' successful teaching experience in an Iowa nonpublic school or three years' successful teaching experience in an out-of-state K-12 educational setting.

**282—13.8(272) Specific requirements for a master educator's license.** A master educator's license is valid for five years and may be issued to an applicant who:

1. Is the holder of or is eligible for a standard license as set out in rule 282—13.7(272), and
2. Verifies five years of successful teaching experience, and
3. Completes one of the following options:
  - Master's degree in a recognized endorsement area, or
  - Master's degree in curriculum, effective teaching, or a similar degree program which has a focus on school curriculum or instruction.

**282—13.9(272) Teacher intern license.**

**13.9(1) Authorization.** The teacher intern is authorized to teach in grades 7 to 12.

**13.9(2) Term.** The term of the teacher intern license will be one year from the date of issuance. This license is nonrenewable. The fee for the teacher intern license is in 282—Chapter 12.

**13.9(3) Teacher intern requirements.** A teacher intern license shall be issued upon application provided that the following requirements have been met. The applicant shall:

*a.* Hold a baccalaureate degree with a minimum cumulative grade point average of 2.50 on a 4.0 scale from a regionally accredited institution.

*b.* Meet the requirements of at least one of the board's secondary (5-12) teaching endorsements listed in rule 282—13.28(272).

*c.* Possess a minimum of three years of postbaccalaureate work experience. An authorized official at a college or university with an approved teacher intern program will evaluate this experience.

*d.* Successfully complete the teacher intern program requirements listed in subrule 13.9(4) and approved by the state board of education.

*e.* Successfully pass a basic skills test at the level approved by the teacher education institution.

**13.9(4) Program requirements.** The teacher intern shall:

*a.* Complete the following requirements prior to the internship year:

(1) Learning environment/classroom management. The intern uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.

(2) Instructional planning. The intern plans instruction based upon knowledge of subject matter, students, the community, curriculum goals, and state curriculum models.

(3) Instructional strategies. The intern understands and uses a variety of instructional strategies to encourage students' development of critical thinking, problem solving, and performance skills.

(4) Student learning. The intern understands how students learn and develop and provides learning opportunities that support intellectual, career, social, and personal development.

(5) Diverse learners. The intern understands how students differ in their approaches to learning and creates instructional opportunities that are equitable and are adaptable to diverse learners.

(6) Collaboration, ethics and relationships. The intern fosters relationships with parents, school colleagues, and organizations in the larger community to support students' learning and development.

(7) Assessment. The intern understands and uses formal and informal assessment strategies to evaluate the continuous intellectual, social, and physical development of the learner.

(8) Field experiences that provide opportunities for interaction with students in an environment that supports learning in context. These experiences shall total at least 50 contact hours in the field prior to the beginning of the academic year of the candidate's initial employment as a teacher intern.

*b.* Complete four semester hours of a teacher intern seminar during the teacher internship year to include support and extension of coursework from the teacher intern program.

*c.* Complete the coursework and competencies in the following areas:

(1) Foundations, reflection, and professional development. The intern continually evaluates the effects of the practitioner's choices and actions on students, parents, and other professionals in the learning community and actively seeks out opportunities to grow professionally.

(2) Communication. The intern uses knowledge of effective verbal, nonverbal, and media communication techniques, and other forms of symbolic representation, to foster active inquiry and collaboration and to support interaction in the classroom.

(3) Exceptional learner program, which must include preparation that contributes to the education of individuals with disabilities and the gifted and talented.

(4) Preparation in the integration of reading strategies into the content area.

(5) Computer technology related to instruction.

(6) An advanced study of the items set forth in 13.9(4) "a"(1) to (7) above.

**13.9(5) Local school district requirements.** The local school district shall:

*a.* Provide an offer of employment to an individual who has been evaluated by a college or university for eligibility or acceptance in the teacher intern program.

- b. Participate in a mentoring and induction program.
- c. Provide a district mentor for the teacher intern.
- d. Provide other support and supervision, as needed, to maximize the opportunity for the teacher intern to succeed.
- e. Not overload the teacher intern with extracurricular duties not directly related to the teacher intern's teaching assignment.
- f. Provide evidence to the board from a licensed evaluator that the teacher intern is participating in a mentoring and induction program.
- g. At the board's request, provide information including, but not limited to, the teacher intern selection and preparation program, institutional support, local school district mentor, and local school district support.

**13.9(6)** *Requirements to convert the teacher intern license to the initial license.*

a. An initial license shall be issued upon application provided that the teacher intern has met all of the following requirements:

- (1) Successful completion of the coursework and competencies in the teacher intern program approved by the state board of education.
- (2) Verification from a licensed evaluator that the teacher intern served successfully for a minimum of 160 days.
- (3) Verification from a licensed evaluator that the teacher intern is participating in a mentoring and induction program and is being assessed on the Iowa teaching standards.
- (4) Recommendation by a college or university offering an approved teacher intern program that the individual is eligible for an initial license.
- (5) At the board's request, the teacher intern shall provide to the board information including, but not limited to, the teacher intern selection and preparation program, institutional support, local school district mentor, and local school district support.

b. The teacher intern year will count as one of the years that is needed for the teacher intern to convert the initial license to the standard license if the conditions listed in paragraph 13.9(6) "a" have been met.

**13.9(7)** *Requirements to obtain the initial license if the teacher intern does not complete the internship year.*

a. An initial license shall be issued upon application provided that the teacher intern has met the requirements for one of the following options:

- (1) Option #1:
  - 1. Successful completion of the coursework and competencies in the teacher intern program approved by the state board of education; and
  - 2. Verification by a college or university that the teacher intern successfully completed the college's or university's state-approved student teaching requirements; and
  - 3. Recommendation by a college or university offering an approved teacher intern program that the individual is eligible for an initial license.
- (2) Option #2:
  - 1. Successful completion of the coursework and competencies in the teacher intern program approved by the state board of education; and
  - 2. Verification by the approved teacher intern program that the teacher intern successfully completed 40 days of paid substitute teaching; and
  - 3. Verification by the teacher intern program that the teacher intern successfully completed 40 days of co-teaching; and
  - 4. Recommendation by the approved teacher intern program that the individual is eligible for an initial license.

b. At the board's request, the teacher intern shall provide to the board information including, but not limited to, the teacher intern selection and preparation program, institutional support, local school district mentor, and local school district support.

**13.9(8)** *Requirements to extend the teacher intern license if the teacher intern does not complete all of the education coursework during the term of the teacher intern license.*

*a.* A one-year extension of the teacher intern license may be issued upon application provided that the teacher intern has met both of the following requirements:

- (1) Successful completion of 160 days of teaching experience during the teacher internship.
- (2) Verification by the recommending official at the approved teacher intern program that the teacher intern has not completed all of the coursework required for the initial license.

*b.* Only one year of teaching experience during the term of the teacher intern license or the extension of a teacher intern license may be used to convert the teacher intern license to a standard teaching license.

[ARC 8688B, IAB 4/7/10, effective 5/12/10; ARC 9925B, IAB 12/14/11, effective 1/18/12]

**282—13.10(272) Specific requirements for a Class A license.** A nonrenewable Class A license valid for one year may be issued to an individual who has completed a teacher education program under any one of the following conditions:

**13.10(1)** *Professional core requirements.* The individual has not completed all of the required courses in the professional core, 13.18(4)“a” through “j.”

**13.10(2)** *Human relations component.* The individual has not completed an approved human relations component.

**13.10(3)** *Recency.* The individual meets the requirements for a valid license, but has had fewer than 160 days of teaching experience during the five-year period immediately preceding the date of application or has not completed six semester hours of college credit from a recognized institution within the five-year period. To obtain the desired license, the applicant must complete recent credits and, where recent credits are required, these credits shall be taken in professional education or in the applicant’s endorsement area(s).

**13.10(4)** *Degree not granted until next regular commencement.* Rescinded IAB 9/9/09, effective 10/14/09.

**13.10(5)** *Based on an expired Iowa certificate or license, exclusive of a Class A or Class B license.*

*a.* The holder of an expired license, exclusive of a Class A or Class B license, shall be eligible to receive a Class A license upon application. This license shall be endorsed for the type of service authorized by the expired license on which it is based.

*b.* The holder of an expired license who is currently under contract with an Iowa educational unit (area education agency/local education agency/local school district) and who does not meet the renewal requirements for the license held shall be required to secure the signature of the superintendent or designee before the license will be issued.

**13.10(6)** *Based on a mentoring and induction program.* An applicant may be eligible for a Class A license if the school district, after conducting a comprehensive evaluation, recommends and verifies that the applicant shall participate in the mentoring program for a third year.

**13.10(7)** *Based on an administrative decision.* The executive director is authorized to issue a Class A license to an applicant whose services are needed to fill positions in unique need circumstances.

[ARC 7987B, IAB 7/29/09, effective 9/2/09; ARC 8134B, IAB 9/9/09, effective 10/14/09; ARC 8957B, IAB 7/28/10, effective 9/1/10]

**282—13.11(272) Specific requirements for a Class B license.** A Class B license, which is valid for two years and which is nonrenewable, may be issued to an individual under the following conditions:

**13.11(1)** *Endorsement in progress.* The individual has a valid initial, standard, master educator, permanent professional, Class A (one-year extension of an initial, standard, or master educator), exchange, or professional service license and one or more endorsements but is seeking to obtain some other endorsement. A Class B license may be issued if requested by an employer and if the individual seeking to obtain some other endorsement has completed at least two-thirds of the requirements, or one-half of the content requirements in a state-designated shortage area, leading to completion of all requirements for the endorsement. A Class B license may not be issued for the driver’s education endorsement.

**13.11(2) *Program of study for special education endorsement.*** The college or university must outline the program of study necessary to meet the special education endorsement requirements. This program of study must be attached to the application.

**13.11(3) *Request for exception.*** A school district administrator may file a written request with the board for an exception to the minimum content requirements on the basis of documented need and benefit to the instructional program. The board will review the request and provide a written decision either approving or denying the request.

**13.11(4) *Provisional occupational license.*** If an individual is eligible for a provisional occupational license but has not met all of the experience requirements, a Class B license may be issued while the individual earns the necessary experience.

**13.11(5) *Expiration.*** This license will expire on June 30 of the fiscal year in which it was issued plus one year.

[ARC 7987B, IAB 7/29/09, effective 9/2/09; ARC 8133B, IAB 9/9/09, effective 10/14/09; ARC 9207B, IAB 11/3/10, effective 12/8/10; ARC 9573B, IAB 6/29/11, effective 8/3/11]

**282—13.12(272) Specific requirements for a Class C license.** Rescinded IAB 7/29/09, effective 9/2/09.

**282—13.13(272) Specific requirements for a Class D occupational license.** Rescinded IAB 7/29/09, effective 9/2/09.

**282—13.14(272) Specific requirements for a Class E license.** A nonrenewable license valid for one year may be issued to an individual as follows:

**13.14(1) *Expired license.*** Based on an expired Class A, Class B, or teacher exchange license, the holder of the expired license shall be eligible to receive a Class E license upon application and submission of all required materials.

**13.14(2) *Application.*** The application process will require transcripts of coursework completed during the term of the expired license, a program of study indicating the coursework necessary to obtain full licensure, and registration for coursework to be completed during the term of the Class E license. The Class E license will be denied if the applicant has not completed any coursework during the term of the Class A or Class B license unless extenuating circumstances are verified.

[ARC 7987B, IAB 7/29/09, effective 9/2/09]

**282—13.15(272) Specific requirements for a Class G license.** A nonrenewable Class G license valid for one year may be issued to an individual who must complete a school guidance counseling practicum or internship in an approved program in preparation for the school guidance counselor endorsement. The Class G license may be issued under the following limited conditions:

1. Verification of a baccalaureate degree from a regionally accredited institution.
2. Verification from the institution that the individual is admitted and enrolled in an approved school guidance counseling program.
3. Verification that the individual has completed the coursework and competencies required prior to the practicum or internship.
4. Written documentation of the requirements listed in “1” to “3” above, provided by the official at the institution where the individual is completing the approved school guidance counseling program and forwarded to the Iowa board of educational examiners with the application form for licensure.

**282—13.16(272) Specific requirements for a substitute teacher’s license.**

**13.16(1) *Substitute teacher requirements.*** A substitute teacher’s license may be issued to an individual who:

- a. Has completed a traditional teacher preparation program and been the holder of, or presently holds, a license in Iowa; or holds or held a regular teacher’s license or certificate in another state, exclusive of temporary, emergency, or substitute certificate or license; or

b. Has successfully completed all requirements of an approved teacher education program, but did not apply for an Iowa teacher's license at the time of completion of the approved program; or

c. Holds a valid or expired teaching certificate based on a nontraditional teacher preparation program, is able to verify three years of teaching experience, and provides passing scores on tests mandated by the state that issued the certificate. The license issued will contain a disclaimer stating that the holder of this license may not be eligible for full Iowa teaching licensure.

**13.16(2) *Validity.*** A substitute license is valid for five years and for not more than 90 days of teaching in one assignment during any one school year. A school district administrator may file a written request with the board for an extension of the 90-day limit in one assignment on the basis of documented need and benefit to the instructional program. The board will review the request and provide a written decision either approving or denying the request.

**13.16(3) *Authorization.*** The holder of a substitute license is authorized to teach in any school system in any position in which a regularly licensed teacher was employed to begin the school year except in the driver's education classroom. In addition to the authority inherent in the initial, standard, master educator, professional administrator, two-year exchange, and permanent professional licenses and the endorsement(s) held, the holder of one of these regular licenses may substitute on the same basis as the holder of a substitute license while the regular license is in effect.

[ARC 9205B, IAB 11/3/10, effective 12/8/10; ARC 9206B, IAB 11/3/10, effective 12/8/10; ARC 0605C, IAB 2/20/13, effective 3/27/13]

**282—13.17(272) *Specific requirements for exchange licenses.*** An applicant seeking Iowa licensure who completes the teacher preparation program from a recognized non-Iowa institution shall verify the requirements of subrules 13.18(4) and 13.18(5) through traditional course-based preparation program and transcript review. A recognized non-Iowa teacher preparation institution is one that is state-approved and is accredited by the regional accrediting agency for the territory in which the institution is located. Applicants for nontraditional exchange licenses are not required to have received their preparation through regionally approved teacher education programs.

**13.17(1) *One-year teacher exchange license.***

a. For an applicant applying under 13.3(2), a one-year nonrenewable exchange license may be issued to the applicant under the following conditions:

(1) The applicant has completed a state-approved, regionally accredited teacher education program; and

(2) The applicant has the recommendation for the specific license and endorsement(s) from the designated recommending official at the recognized non-Iowa institution where the preparation was completed; and

(3) The applicant holds and submits a copy of a valid and current certificate or license in the state in which the preparation was completed or in which the applicant is currently teaching, exclusive of a temporary, emergency or substitute license or certificate;

1. If the applicant's out-of-state license is expired, a one-year teacher exchange license may be issued and the lack of a valid and current out-of-state license will be listed as a deficiency;

2. If the applicant submits verification that the applicant has applied for and will receive the applicant's first teaching license and is waiting for the processing or printing of a valid and current out-of-state license, a regional exchange license may be issued and the lack of a valid and current out-of-state license will be listed as a deficiency; and

(4) The applicant must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education if the teacher preparation program was completed on or after January 1, 2013. If the teacher preparation program was completed prior to January 1, 2013, the applicant must provide verification of successfully passing the mandated assessment(s) in the state in which the applicant is currently licensed or must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education; and

(5) Each exchange license shall be limited to the area(s) and level(s) of instruction as determined by an analysis of the application, the transcripts and the license or certificate held in the state in which the basic preparation for licensure was completed or of the application and the credential evaluation report. The applicant must have completed at least 75 percent of the endorsement requirements through a two- or four-year institution in order for the endorsement to be included on the exchange license; and

(6) The applicant is not subject to any pending disciplinary proceedings in any state or country; and

(7) The applicant complies with all requirements with regard to application processes and payment of licensure fees.

*b.* After the term of the exchange license has expired, the applicant may apply to be fully licensed if the applicant has completed all requirements and is eligible for full licensure.

*c.* If the lack of a valid and current out-of-state license was listed as a deficiency, the one-year teacher exchange license shall not be converted or extended until a valid and current out-of-state license is presented to remove the deficiency.

**13.17(2) *Two-year nontraditional exchange license.*** For an applicant applying under 13.3(3) and 13.3(4), a two-year nontraditional teacher exchange license may be issued to the applicant from state-approved preparation programs, under the following conditions:

*a.* The applicant has met the requirements of 13.3(4) “*a*” and “*b*.”

*b.* The applicant has met the requirements of 13.17(1) “*a*”(3) through (7).

*c.* To convert the two-year nontraditional exchange license, the applicant must meet all deficiencies as well as meet the Iowa teaching standards as determined by a comprehensive evaluation by a licensed evaluator, and the applicant shall have two years of successful teaching experience in Iowa. The evaluator may recommend extending the license for a third year to meet Iowa teaching standards.

*d.* The license may be extended to meet the requirements for two years of successful teaching in Iowa with proof of employment.

**13.17(3) *International teacher exchange license.***

*a.* A nonrenewable international exchange license may be issued to an applicant under the following conditions:

(1) The applicant has completed a teacher education program in another country; and

(2) The applicant is not subject to any pending disciplinary proceedings in any state or country; and

(3) The applicant complies with all requirements with regard to application processes and payment of licensure fees; and

(4) The applicant is a participant in a teacher exchange program administered through the Iowa department of education.

*b.* Each exchange license shall be limited to the area(s) and level(s) of instruction as determined by an analysis of the application and the credential evaluation report.

*c.* This license shall not exceed three years.

*d.* After the term of the exchange license has expired, the applicant may apply to be fully licensed if the applicant has completed all requirements and is eligible for full licensure.

[ARC 8138B, IAB 9/9/09, effective 10/14/09; ARC 8604B, IAB 3/10/10, effective 4/14/10; ARC 9072B, IAB 9/8/10, effective 10/13/10; ARC 9840B, IAB 11/2/11, effective 12/7/11; ARC 0563C, IAB 1/23/13, effective 1/1/13]

**282—13.18(272) General requirements for an original teaching subject area endorsement.** Following are the general requirements for the issuance of a license with an endorsement.

**13.18(1)** Baccalaureate degree from a regionally accredited institution.

**13.18(2)** Completion of an approved human relations component.

**13.18(3)** Completion of the exceptional learner program, which must include preparation that contributes to the education of individuals with disabilities and the gifted and talented.

**13.18(4)** Professional education core. Completed coursework or evidence of competency in:

*a.* Student learning. The practitioner understands how students learn and develop, and provides learning opportunities that support intellectual, career, social and personal development.

- b.* Diverse learners. The practitioner understands how students differ in their approaches to learning and creates instructional opportunities that are equitable and are adaptable to diverse learners.
- c.* Instructional planning. The practitioner plans instruction based upon knowledge of subject matter, students, the community, curriculum goals, and state curriculum models.
- d.* Instructional strategies. The practitioner understands and uses a variety of instructional strategies to encourage students' development of critical thinking, problem solving, and performance skills.
- e.* Learning environment/classroom management. The practitioner uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- f.* Communication. The practitioner uses knowledge of effective verbal, nonverbal, and media communication techniques, and other forms of symbolic representation, to foster active inquiry, collaboration, and support interaction in the classroom.
- g.* Assessment. The practitioner understands and uses formal and informal assessment strategies to evaluate the continuous intellectual, social, and physical development of the learner.
- h.* Foundations, reflection and professional development. The practitioner continually evaluates the effects of the practitioner's choices and actions on students, parents, and other professionals in the learning community, and actively seeks out opportunities to grow professionally.
- i.* Collaboration, ethics and relationships. The practitioner fosters relationships with parents, school colleagues, and organizations in the larger community to support students' learning and development.
- j.* Computer technology related to instruction.
- k.* Completion of pre-student teaching field-based experiences.
- l.* Methods of teaching with an emphasis on the subject and grade level endorsement desired.
- m.* Student teaching in the subject area and grade level endorsement desired.
- n.* Preparation in reading programs, including reading recovery, and integration of reading strategies into content area methods coursework.

**13.18(5) Content/subject matter specialization.** The practitioner understands the central concepts, tools of inquiry, and structure of the discipline(s) the practitioner teaches and creates learning experiences that make these aspects of subject matter meaningful for students. This is evidenced by completion of a 30-semester-hour teaching major which must minimally include the requirements for at least one of the basic endorsement areas, special education teaching endorsements, or secondary level occupational endorsements.

**282—13.19(272) NCATE-accredited programs.** Rescinded IAB 6/17/09, effective 7/22/09.

**282—13.20** Reserved.

**282—13.21(272) Human relations requirements for practitioner licensure.** Preparation in human relations shall be included in programs leading to teacher licensure. Human relations study shall include interpersonal and intergroup relations and shall contribute to the development of sensitivity to and understanding of the values, beliefs, lifestyles and attitudes of individuals and the diverse groups found in a pluralistic society.

**13.21(1)** Beginning on or after August 31, 1980, each applicant for an initial practitioner's license shall have completed the human relations requirement.

**13.21(2)** On or after August 31, 1980, each applicant for the renewal of a practitioner's license shall have completed an approved human relations requirement.

**13.21(3)** Credit for the human relations requirement shall be given for licensed persons who can give evidence that they have completed a human relations program which meets board of educational examiners criteria (see rule 282—13.22(272)).

[ARC 0026C, IAB 3/7/12, effective 4/11/12]

**282—13.22(272) Development of human relations components.** Human relations components shall be developed by teacher preparation institutions. In-service human relations components may also be developed by educational agencies other than teacher preparation institutions, as approved by the board of educational examiners.

**13.22(1) *Advisory committee.*** Education agencies developing human relations components shall give evidence that in the development of their programs they were assisted by an advisory committee. The advisory committee shall consist of equal representation of various minority and majority groups.

**13.22(2) *Standards for approved components.*** Human relations components will be approved by the board of educational examiners upon submission of evidence that the components are designed to develop the ability of participants to:

- a.* Be aware of and understand the values, lifestyles, history, and contributions of various identifiable subgroups in our society.
- b.* Recognize and deal with dehumanizing biases such as sexism, racism, prejudice, and discrimination and become aware of the impact that such biases have on interpersonal relations.
- c.* Translate knowledge of human relations into attitudes, skills, and techniques which will result in favorable learning experiences for students.
- d.* Recognize the ways in which dehumanizing biases may be reflected in instructional materials.
- e.* Respect human diversity and the rights of each individual.
- f.* Relate effectively to other individuals and various subgroups other than one's own.

**13.22(3) *Evaluation.*** Educational agencies providing the human relations components shall indicate the means to be utilized for evaluation.

**282—13.23 to 13.25** Reserved.

**282—13.26(272) Requirements for elementary endorsements.**

**13.26(1) *Teacher—prekindergarten-kindergarten.***

*a. Authorization.* The holder of this endorsement is authorized to teach at the prekindergarten/ kindergarten level.

*b. Program requirements.*

- (1) Degree—baccalaureate, and
- (2) Completion of an approved human relations program, and
- (3) Completion of the professional education core. See subrule 13.18(3).

*c. Content.*

(1) Human growth and development: infancy and early childhood, unless completed as part of the professional education core. See subrule 13.18(4).

- (2) Curriculum development and methodology for young children.
- (3) Child-family-school-community relationships (community agencies).
- (4) Guidance of young children three to six years of age.
- (5) Organization of prekindergarten-kindergarten programs.
- (6) Child and family nutrition.
- (7) Language development and learning.
- (8) Kindergarten: programs and curriculum development.

**13.26(2) *Teacher—prekindergarten through grade three.***

*a. Authorization.* The holder of this endorsement is authorized to teach children from birth through grade three.

*b. Program requirements.*

- (1) Degree—baccalaureate.
- (2) Completion of an approved human relations program.
- (3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).
- (4) Highly qualified teacher (HQT) status. Applicants from non-Iowa institutions who have completed the requirements for this endorsement must verify their HQT status. The board shall

determine the test and the minimum passing score for HQT status. Verification must be provided through one of the following:

1. Written verification from the department of education in the state in which the applicant completed the elementary teacher preparation program that the applicant has achieved HQT status in that state; or
2. Written verification from the department of education in the state where the applicant is currently teaching that the applicant has achieved HQT status in that state; or
3. Submission of the official test score report indicating the applicant has met the qualifying score for licensure in the state in which the applicant completed the elementary teacher preparation program; or
4. Obtaining the qualifying score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment of the federal highly qualified teacher legislation (June 2006). This option may also be utilized by applicants from outside the United States.
5. For applicants who have completed the requirements for one of the Iowa elementary endorsements, verification of HQT status by meeting the minimum score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment of the federal highly qualified teacher legislation (June 2006). This option may also be utilized by applicants who have been teaching outside the United States.

*c. Content.*

(1) Child growth and development with emphasis on cognitive, language, physical, social, and emotional development, both typical and atypical, for infants and toddlers, preprimary, and primary school children (grades one through three), unless combined as part of the professional education core. See subrule 13.18(4) of the licensure rules for the professional core.

(2) Historical, philosophical, and social foundations of early childhood education.

(3) Developmentally appropriate curriculum with emphasis on integrated multicultural and nonsexist content including language, mathematics, science, social studies, health, safety, nutrition, visual and expressive arts, social skills, higher-thinking skills, and developmentally appropriate methodology, including adaptations for individual needs, for infants and toddlers, preprimary, and primary school children.

(4) Characteristics of play and creativity, and their contributions to the cognitive, language, physical, social and emotional development and learning of infants and toddlers, preprimary, and primary school children.

(5) Classroom organization and individual interactions to create positive learning environments for infants and toddlers, preprimary, and primary school children based on child development theory emphasizing guidance techniques.

(6) Observation and application of developmentally appropriate assessments for infants and toddlers, preprimary, and primary school children recognizing, referring, and making adaptations for children who are at risk or who have exceptional educational needs and talents.

(7) Home-school-community relationships and interactions designed to promote and support parent, family and community involvement, and interagency collaboration.

(8) Family systems, cultural diversity, and factors which place families at risk.

(9) Child and family health and nutrition.

(10) Advocacy, legislation, and public policy as they affect children and families.

(11) Administration of child care programs to include staff and program development and supervision and evaluation of support staff.

(12) Pre-student teaching field experience with three age levels in infant and toddler, preprimary, and primary programs, with no less than 100 clock hours, and in different settings, such as rural and urban, socioeconomic status, cultural diversity, program types, and program sponsorship.

(13) Student teaching experiences with two different age levels, one before kindergarten and one from kindergarten through grade three.

**13.26(3) Teacher—prekindergarten through grade three, including special education.**

*a. Authorization.* The holder of this endorsement is authorized to teach children from birth through grade three.

*b. Program requirements.*

- (1) Degree—baccalaureate, and
- (2) Completion of an approved human relations program, and
- (3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).
- (4) Highly qualified teacher (HQT) status. Applicants from non-Iowa institutions who have completed the requirements for this endorsement must verify their HQT status. The board shall determine the test and the minimum passing score for HQT status. Verification must be provided through one of the following:

1. Written verification from the department of education in the state in which the applicant completed the elementary teacher preparation program that the applicant has achieved HQT status in that state; or

2. Written verification from the department of education in the state where the applicant is currently teaching that the applicant has achieved HQT status in that state; or

3. Submission of the official test score report indicating the applicant has met the qualifying score for licensure in the state in which the applicant completed the elementary teacher preparation program; or

4. Obtaining the qualifying score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment of the federal highly qualified teacher legislation (June 2006). This option may also be utilized by applicants from outside the United States.

5. For applicants who have completed the requirements for one of the Iowa elementary endorsements, verification of HQT status by meeting the minimum score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment of the federal highly qualified teacher legislation (June 2006). This option may also be utilized by applicants who have been teaching outside the United States.

*c. Content.*

- (1) Child growth and development.

1. Understand the nature of child growth and development for infants and toddlers (birth through age 2), preprimary (age 3 through age 5) and primary school children (age 6 through age 8), both typical and atypical, in areas of cognition, language development, physical motor, social-emotional, aesthetics, and adaptive behavior.

2. Understand individual differences in development and learning including risk factors, developmental variations and developmental patterns of specific disabilities and special abilities.

3. Recognize that children are best understood in the contexts of family, culture and society and that cultural and linguistic diversity influences development and learning.

- (2) Developmentally appropriate learning environment and curriculum implementation.

1. Establish learning environments with social support, from the teacher and from other students, for all children to meet their optimal potential, with a climate characterized by mutual respect, encouraging and valuing the efforts of all regardless of proficiency.

2. Appropriately use informal and formal assessment to monitor development of children and to plan and evaluate curriculum and teaching practices to meet individual needs of children and families.

3. Plan, implement, and continuously evaluate developmentally and individually appropriate curriculum goals, content, and teaching practices for infants, toddlers, preprimary and primary children based on the needs and interests of individual children, their families and community.

4. Use both child-initiated and teacher-directed instructional methods, including strategies such as small and large group projects, unstructured and structured play, systematic instruction, group discussion and cooperative decision making.

5. Develop and implement integrated learning experiences for home-, center- and school-based environments for infants, toddlers, preprimary and primary children.

6. Develop and implement integrated learning experiences that facilitate cognition, communication, social and physical development of infants and toddlers within the context of parent-child and caregiver-child relationships.

7. Develop and implement learning experiences for preprimary and primary children with focus on multicultural and nonsexist content that includes development of responsibility, aesthetic and artistic development, physical development and well-being, cognitive development, and emotional and social development.

8. Develop and implement learning experiences for infants, toddlers, preprimary, and primary children with a focus on language, mathematics, science, social studies, visual and expressive arts, social skills, higher-thinking skills, and developmentally appropriate methodology.

9. Develop adaptations and accommodations for infants, toddlers, preprimary, and primary children to meet their individual needs.

10. Adapt materials, equipment, the environment, programs and use of human resources to meet social, cognitive, physical motor, communication, and medical needs of children and diverse learning needs.

(3) Health, safety and nutrition.

1. Design and implement physically and psychologically safe and healthy indoor and outdoor environments to promote development and learning.

2. Promote nutritional practices that support cognitive, social, cultural and physical development of young children.

3. Implement appropriate appraisal and management of health concerns of young children including procedures for children with special health care needs.

4. Recognize signs of emotional distress, physical and mental abuse and neglect in young children and understand mandatory reporting procedures.

5. Demonstrate proficiency in infant-child cardiopulmonary resuscitation, emergency procedures and first aid.

(4) Family and community collaboration.

1. Apply theories and knowledge of dynamic roles and relationships within and between families, schools, and communities.

2. Assist families in identifying resources, priorities, and concerns in relation to the child's development.

3. Link families, based on identified needs, priorities and concerns, with a variety of resources.

4. Use communication, problem-solving and help-giving skills in collaboration with families and other professionals to support the development, learning and well-being of young children.

5. Participate as an effective member of a team with other professionals and families to develop and implement learning plans and environments for young children.

(5) Professionalism.

1. Understand legislation and public policy that affect all young children, with and without disabilities, and their families.

2. Understand legal aspects, historical, philosophical, and social foundations of early childhood education and special education.

3. Understand principles of administration, organization and operation of programs for children from birth to age 8 and their families, including staff and program development, supervision and evaluation of staff, and continuing improvement of programs and services.

4. Identify current trends and issues of the profession to inform and improve practices and advocate for quality programs for young children and their families.

5. Adhere to professional and ethical codes.

6. Engage in reflective inquiry and demonstration of professional self-knowledge.

(6) Pre-student teaching field experiences. Complete 100 clock hours of pre-student teaching field experience with three age levels in infant and toddler, preprimary, and primary programs and in different settings, such as rural and urban, encompassing differing socioeconomic status, ability levels, cultural and linguistic diversity and program types and sponsorship.

(7) Student teaching. Complete a supervised student teaching experience of a total of at least 12 weeks in at least two different classrooms which include children with and without disabilities in two of three age levels: infant and toddler, preprimary, and primary.

**13.26(4) Teacher—elementary classroom.**

*a. Authorization.* The holder of this endorsement is authorized to teach in kindergarten and grades one through six.

*b. Program requirements.*

- (1) Degree—baccalaureate, and
- (2) Completion of an approved human relations component, and
- (3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).
- (4) Highly qualified teacher (HQT) status. Applicants from non-Iowa institutions who have completed the requirements for this endorsement must verify their HQT status. The board shall determine the test and the minimum passing score for HQT status. Verification must be provided through one of the following:

1. Written verification from the department of education in the state in which the applicant completed the elementary teacher preparation program that the applicant has achieved HQT status in that state; or

2. Written verification from the department of education in the state where the applicant is currently teaching that the applicant has achieved HQT status in that state; or

3. Submission of the official test score report indicating the applicant has met the qualifying score for licensure in the state in which the applicant completed the elementary teacher preparation program; or

4. Obtaining the qualifying score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment of the federal highly qualified teacher legislation (June 2006). This option may also be utilized by applicants from outside the United States.

5. For applicants who have completed the requirements for one of the Iowa elementary endorsements, verification of HQT status by meeting the minimum score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment of the federal highly qualified teacher legislation (June 2006). This option may also be utilized by applicants who have been teaching outside the United States.

*c. Content.*

- (1) Child growth and development with emphasis on the emotional, physical and mental characteristics of elementary age children, unless completed as part of the professional education core. See subrule 13.18(4).

- (2) Methods and materials of teaching elementary language arts.

- (3) Methods and materials of teaching elementary reading.

- (4) Elementary curriculum (methods and materials).

- (5) Methods and materials of teaching elementary mathematics.

- (6) Methods and materials of teaching elementary science.

- (7) Children's literature.

- (8) Methods and materials of teaching elementary social studies.

- (9) Methods and materials in two of the following areas:

1. Methods and materials of teaching elementary health.

2. Methods and materials of teaching elementary physical education.

3. Methods and materials of teaching elementary art.

4. Methods and materials of teaching elementary music.

- (10) Pre-student teaching field experience in at least two different grades.

- (11) A field of specialization in a single discipline or a formal interdisciplinary program of at least 12 semester hours.

**13.26(5) Teacher—elementary classroom.** Effective September 1, 2015, the following requirements apply to persons who wish to teach in the elementary classroom:

*a. Authorization.* The holder of this endorsement is authorized to teach in kindergarten and grades one through six.

*b. Program requirements.*

(1) Degree—baccalaureate, and

(2) Completion of an approved human relations component, and

(3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).

(4) Highly qualified teacher (HQT) status. Applicants from non-Iowa institutions who have completed the requirements for this endorsement must verify their HQT status. The board shall determine the test and the minimum passing score for HQT status. Verification must be provided through one of the following:

1. Written verification from the department of education in the state in which the applicant completed the elementary teacher preparation program that the applicant has achieved HQT status in that state; or

2. Written verification from the department of education in the state where the applicant is currently teaching that the applicant has achieved HQT status in that state; or

3. Submission of the official test score report indicating the applicant has met the qualifying score for licensure in the state in which the applicant completed the elementary teacher preparation program; or

4. Verification that the applicant has obtained the qualifying score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment in June 2006 of the federal highly qualified teacher provisions of the Individuals with Disabilities Education Act (IDEA). This option may also be utilized by applicants from outside the United States.

5. For applicants who have completed the requirements for one of the Iowa elementary endorsements, verification of HQT status by meeting the minimum score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment in June 2006 of the federal highly qualified teacher provisions of IDEA. This option may also be utilized by applicants who have been teaching outside the United States.

*c. Content.*

(1) Child growth and development with emphasis on the emotional, physical and mental characteristics of elementary age children, unless completed as part of the professional education core. See subrule 13.18(4).

(2) At least 9 semester hours in literacy which must include:

1. Content:

- Children's literature;
- Oral and written communication skills for the twenty-first century.

2. Methods:

- Assessment, diagnosis and evaluation of student learning in literacy;
- Integration of the language arts (to include reading, writing, speaking, viewing, and listening);
- Integration of technology in teaching and student learning in literacy;
- Current best-practice, research-based approaches of literacy instruction;
- Classroom management as it applies to literacy methods;
- Pre-student teaching clinical experience in teaching literacy.

(3) At least 9 semester hours in mathematics which must include:

1. Content:

- Numbers and operations;
- Algebra/number patterns;
- Geometry;
- Measurement;
- Data analysis/probability.

2. Methods:

- Assessment, diagnosis and evaluation of student learning in mathematics;
  - Current best-practice, research-based instructional methods in mathematical processes (to include problem solving; reasoning; communication; the ability to recognize, make and apply connections; integration of manipulatives; the ability to construct and to apply multiple connected representations; and the application of content to real world experiences);
  - Integration of technology in teaching and student learning in mathematics;
  - Classroom management as it applies to mathematics methods;
  - Pre-student teaching clinical experience in teaching mathematics.
- (4) At least 9 semester hours in social sciences which must include:
1. Content:
    - History;
    - Geography;
    - Political science/civic literacy;
    - Economics;
    - Behavioral sciences.
  2. Methods:
    - Current best-practice, research-based approaches to the teaching and learning of social sciences;
    - Integration of technology in teaching and student learning in social sciences;
    - Classroom management as it applies to social science methods.
- (5) At least 9 semester hours in science which must include:
1. Content:
    - Physical science;
    - Earth/space science;
    - Life science.
  2. Methods:
    - Current best-practice, research-based methods of inquiry-based teaching and learning of science;
    - Integration of technology in teaching and student learning in science;
    - Classroom management as it applies to science methods.
- (6) At least 3 semester hours to include all of the following:
1. Methods of teaching elementary physical education, health, and wellness;
  2. Methods of teaching visual arts for the elementary classroom;
  3. Methods of teaching performance arts for the elementary classroom.
- (7) Pre-student teaching field experience in at least two different grade levels to include one primary and one intermediate placement.
- (8) A field of specialization in a single discipline or a formal interdisciplinary program of at least 12 semester hours.

[ARC 8400B, IAB 12/16/09, effective 1/20/10; ARC 8401B, IAB 12/16/09, effective 1/20/10; ARC 8402B, IAB 12/16/09, effective 1/20/10; ARC 8607B, IAB 3/10/10, effective 4/14/10; ARC 0446C, IAB 11/14/12, effective 12/19/12]

## **282—13.27(272) Requirements for middle school endorsements.**

**13.27(1) Authorization.** The holder of this endorsement is authorized to teach in the two concentration areas in which the specific requirements have been completed as well as in other subject areas in grades five through eight which are not the core content areas. The holder is not authorized to teach art, industrial arts, music, reading, physical education and special education.

### **13.27(2) Program requirements.**

*a.* Be the holder of a currently valid Iowa teacher's license with either the general elementary endorsement or one of the subject matter secondary level endorsements set out in rule 282—13.28(272) or 282—subrules 17.1(1) and 17.1(3).

*b.* A minimum of 9 semester hours of required coursework in the following:

(1) Coursework in the growth and development of the middle school age child, specifically addressing the social, emotional, physical and cognitive characteristics and needs of middle school age

children in addition to related studies completed as part of the professional education core in subrule 13.18(4).

(2) Coursework in middle school design, curriculum, instruction, and assessment including, but not limited to, interdisciplinary instruction, teaming, and differentiated instruction in addition to related studies completed as part of the professional education core in subrule 13.18(4).

(3) Coursework to prepare middle school teachers in literacy (reading, writing, listening and speaking) strategies for students in grades five through eight and in methods to include these strategies throughout the curriculum.

c. Thirty hours of middle school field experiences included in the coursework requirements listed in 13.27(2)“b”(1) to (3).

**13.27(3) Concentration areas.** To obtain this endorsement, the applicant must complete the coursework requirements in two of the following content areas:

a. *Social studies concentration.* The social studies concentration requires 12 semester hours of coursework in social studies to include coursework in United States history, world history, government and geography.

b. *Mathematics concentration.* The mathematics concentration requires 12 semester hours in mathematics to include coursework in algebra.

c. *Science concentration.* The science concentration requires 12 semester hours in science to include coursework in life science, earth science, and physical science.

d. *Language arts concentration.* The language arts concentration requires 12 semester hours in language arts to include coursework in composition, language usage, speech, young adult literature, and literature across cultures.

**282—13.28(272) Minimum content requirements for teaching endorsements.**

**13.28(1) Agriculture.** 5-12. Completion of 24 semester credit hours in agriculture and agriculture education to include:

- a. Foundations of vocational and career education.
- b. Planning and implementing courses and curriculum.
- c. Methods and techniques of instruction to include evaluation of programs and students.
- d. Coordination of cooperative education programs.
- e. Coursework in each of the following areas and at least three semester credit hours in five of the following areas:

- (1) Agribusiness systems.
- (2) Power, structural, and technical systems.
- (3) Plant systems.
- (4) Animal systems.
- (5) Natural resources systems.
- (6) Environmental service systems.
- (7) Food products and processing systems.

**13.28(2) Art.** K-8 or 5-12. Completion of 24 semester hours in art to include coursework in art history, studio art, and two- and three-dimensional art.

**13.28(3) Business—all.** 5-12. Completion of 30 semester hours in business to include 6 semester hours in accounting, 3 semester hours in business law to include contract law, 3 semester hours in computer and technical applications in business, 6 semester hours in marketing to include consumer studies, 3 semester hours in management, 6 semester hours in economics, and 3 semester hours in business communications to include formatting, language usage, and oral presentation. Coursework in entrepreneurship and in financial literacy may be a part of, or in addition to, the coursework listed above. Individuals who were licensed in Iowa prior to October 1, 1988, and were allowed to teach marketing without completing the endorsement requirements must complete the endorsement requirements by July 1, 2010, in order to teach or continue to teach marketing. A waiver provision is available through the board of educational examiners for individuals who have been successfully teaching marketing.

**13.28(4) Driver education.** 5-12. Completion of 9 semester hours in driver education to include coursework in accident prevention that includes drug and alcohol abuse; vehicle safety; and behind-the-wheel driving.

**13.28(5) English/language arts.**

*a. K-8.* Completion of 24 semester hours in English and language arts to include coursework in oral communication, written communication, language development, reading, children's literature, creative drama or oral interpretation of literature, and American literature.

*b. 5-12.* Completion of 24 semester hours in English to include coursework in oral communication, written communication, language development, reading, American literature, English literature and adolescent literature.

**13.28(6) Language arts.** 5-12. Completion of 40 semester hours in language arts to include coursework in the following areas:

*a. Written communication.*

(1) Develops a wide range of strategies and appropriately uses writing process elements (e.g., brainstorming, free-writing, first draft, group response, continued drafting, editing, and self-reflection) to communicate with different audiences for a variety of purposes.

(2) Develops knowledge of language structure (e.g., grammar), language conventions (e.g., spelling and punctuation), media techniques, figurative language and genre to create, critique, and discuss print and nonprint texts.

*b. Oral communication.*

(1) Understands oral language, listening, and nonverbal communication skills; knows how to analyze communication interactions; and applies related knowledge and skills to teach students to become competent communicators in varied contexts.

(2) Understands the communication process and related theories, knows the purpose and function of communication and understands how to apply this knowledge to teach students to make appropriate and effective choices as senders and receivers of messages in varied contexts.

*c. Language development.*

(1) Understands inclusive and appropriate language, patterns and dialects across cultures, ethnic groups, geographic regions and social roles.

(2) Develops strategies to improve competency in the English language arts and understanding of content across the curriculum for students whose first language is not English.

*d. Young adult literature, American literature, and world literature.*

(1) Reads, comprehends, and analyzes a wide range of texts to build an understanding of self as well as the cultures of the United States and the world in order to acquire new information, to respond to the needs and demands of society and the workplace, and for personal fulfillment. Among these texts are fiction and nonfiction, graphic novels, classic and contemporary works, young adult literature, and nonprint texts.

(2) Reads a wide range of literature from many periods in many genres to build an understanding of the many dimensions (e.g., philosophical, ethical, aesthetic) of human experience.

(3) Applies a wide range of strategies to comprehend, interpret, evaluate, and appreciate texts. Draws on prior experience, interactions with other readers and writers, knowledge of word meaning and of other texts, word identification strategies, and an understanding of textual features (e.g., sound-letter correspondence, sentence structure, context, graphics).

(4) Participates as a knowledgeable, reflective, creative, and critical member of a variety of literacy communities.

*e. Creative voice.*

(1) Understands the art of oral interpretation and how to provide opportunities for students to develop and apply oral interpretation skills in individual and group performances for a variety of audiences, purposes and occasions.

(2) Understands the basic skills of theatre production including acting, stage movement, and basic stage design.

*f. Argumentation/debate.*

(1) Understands concepts and principles of classical and contemporary rhetoric and is able to plan, prepare, organize, deliver and evaluate speeches and presentations.

(2) Understands argumentation and debate and how to provide students with opportunities to apply skills and strategies for argumentation and debate in a variety of formats and contexts.

*g. Journalism.*

(1) Understands ethical standards and major legal issues including First Amendment rights and responsibilities relevant to varied communication content. Utilizes strategies to teach students about the importance of freedom of speech in a democratic society and the rights and responsibilities of communicators.

(2) Understands the writing process as it relates to journalism (e.g., brainstorming, questioning, reporting, gathering and synthesizing information, writing, editing, and evaluating the final media product).

(3) Understands a variety of forms of journalistic writing (e.g., news, sports, features, opinion, Web-based) and the appropriate styles (e.g., Associated Press, multiple sources with attribution, punctuation) and additional forms unique to journalism (e.g., headlines, cutlines, and/or visual presentations).

*h. Mass media production.*

(1) Understands the role of the media in a democracy and the importance of preserving that role.

(2) Understands how to interpret and analyze various types of mass media messages in order for students to become critical consumers.

(3) Develops the technological skills needed to package media products effectively using various forms of journalistic design with a range of visual and auditory methods.

*i. Reading strategies (if not completed as part of the professional education core requirements).*

(1) Uses a variety of skills and strategies to comprehend and interpret complex fiction, nonfiction and informational text.

(2) Reads for a variety of purposes and across content areas.

**13.28(7) Foreign language.** K-8 and 5-12. Completion of 24 semester hours in each foreign language for which endorsement is sought.

**13.28(8) Health.** K-8 and 5-12. Completion of 24 semester hours in health to include coursework in public or community health, consumer health, substance abuse, family life education, mental/emotional health, and human nutrition.

**13.28(9) Family and consumer sciences—general.** 5-12. Completion of 24 semester hours in family and consumer sciences to include coursework in human development, parenthood education, family studies, consumer resource management, textiles and apparel, housing, and foods and nutrition.

**13.28(10) Industrial technology.** 5-12. Completion of 24 semester hours in industrial technology to include coursework in manufacturing, construction, energy and power, graphic communications and transportation. The coursework is to include at least 6 semester hours in three different areas.

**13.28(11) Journalism.** 5-12. Completion of 15 semester hours in journalism to include coursework in writing, editing, production and visual communications.

**13.28(12) Mathematics.**

*a. K-8.* Completion of 24 semester hours in mathematics to include coursework in algebra, geometry, number theory, measurement, computer programming, and probability and statistics.

*b. 5-12.*

(1) Completion of 24 semester hours in mathematics to include a linear algebra or an abstract (modern) algebra course, a geometry course, a two-course sequence in calculus, a computer programming course, a probability and statistics course, and coursework in discrete mathematics.

(2) For holders of the physics 5-12 endorsement, completion of 17 semester hours in mathematics to include a geometry course, a two-course sequence in calculus, a probability and statistics course, and coursework in discrete mathematics.

(3) For holders of the all science 9-12 endorsement, completion of 17 semester hours in mathematics to include a geometry course, a two-course sequence in calculus, a probability and statistics course, and coursework in discrete mathematics.

*c. 5-8 algebra for high school credit.* For a 5-8 algebra for high school credit endorsement, hold either the K-8 mathematics or middle school mathematics endorsement and complete a college algebra or linear algebra class. This endorsement allows the holder to teach algebra to grades 5-8 for high school credit.

**13.28(13) Music.**

*a. K-8.* Completion of 24 semester hours in music to include coursework in music theory (at least two courses), music history, and applied music.

*b. 5-12.* Completion of 24 semester hours in music to include coursework in music theory (at least two courses), music history (at least two courses), applied music, and conducting.

**13.28(14) Physical education.**

*a. K-8.* Completion of 24 semester hours in physical education to include coursework in human anatomy, human physiology, movement education, adapted physical education, physical education in the elementary school, human growth and development of children related to physical education, and first aid and emergency care.

*b. 5-12.* Completion of 24 semester hours in physical education to include coursework in human anatomy, kinesiology, human physiology, human growth and development related to maturational and motor learning, adapted physical education, curriculum and administration of physical education, assessment processes in physical education, and first aid and emergency care.

**13.28(15) Reading.**

*a. K-8 requirements.* Completion of 24 semester hours in reading to include all of the following requirements:

(1) Foundations of reading. This requirement includes the following competencies:

1. The practitioner demonstrates knowledge of the psychological, sociocultural, and linguistic foundations of reading and writing processes and instruction.

2. The practitioner demonstrates knowledge of a range of research pertaining to reading, writing, and learning, including scientifically based reading research, and knowledge of histories of reading. The range of research encompasses research traditions from the fields of the social sciences and other paradigms appropriate for informing practice.

3. The practitioner demonstrates knowledge of the major components of reading, such as phonemic awareness, word identification, phonics, vocabulary, fluency, and comprehension, and effectively integrates curricular standards with student interests, motivation, and background knowledge.

(2) Reading in the content areas. This requirement includes the following competencies:

1. The practitioner demonstrates knowledge of text structure and the dimensions of content area vocabulary and comprehension, including literal, interpretive, critical, and evaluative.

2. The practitioner provides content area instruction in reading and writing that effectively uses a variety of research-based strategies and practices.

(3) Practicum. This requirement includes the following competencies:

1. The practitioner works with licensed professionals who observe, evaluate, and provide feedback on the practitioner's knowledge, dispositions, and performance of the teaching of reading and writing.

2. The practitioner effectively uses reading and writing strategies, materials, and assessments based upon appropriate reading and writing research and works with colleagues and families in the support of children's reading and writing development.

(4) Language development. This requirement includes the following competency: The practitioner uses knowledge of language development and acquisition of reading skills (birth through sixth grade), and the variations related to cultural and linguistic diversity to provide effective instruction in reading and writing.

(5) Oral communication. This requirement includes the following competencies:

1. The practitioner has knowledge of the unique needs and backgrounds of students with language differences and delays.

2. The practitioner uses effective strategies for facilitating the learning of Standard English by all learners.

(6) Written communication. This requirement includes the following competency: The practitioner uses knowledge of reading-writing-speaking connections; the writing process; the stages of spelling development; the different types of writing, such as narrative, expressive, persuasive, informational and descriptive; and the connections between oral and written language development to effectively teach writing as communication.

(7) Reading assessment, diagnosis and evaluation. This requirement includes the following competencies:

1. The practitioner uses knowledge of a variety of instruments, procedures, and practices that range from individual to group and from formal to informal to alternative for the identification of students' reading proficiencies and needs, for planning and revising instruction for all students, and for communicating the results of ongoing assessments to all stakeholders.

2. The practitioner demonstrates awareness of policies and procedures related to special programs, including Title I.

(8) Children's nonfiction and fiction. This requirement includes the following competency: The practitioner uses knowledge of children's literature for:

1. Modeling the reading and writing of varied genres, including fiction and nonfiction; technology- and media-based information; and nonprint materials;

2. Motivating through the use of texts at multiple levels, representing broad interests, and reflecting varied cultures, linguistic backgrounds, and perspectives; and

3. Matching text complexities to the proficiencies and needs of readers.

(9) Reading instructional strategies. This requirement includes the following competency: The practitioner uses knowledge of a range of research-based strategies and instructional technology for designing and delivering effective instruction across the curriculum, for grouping students, and for selecting materials appropriate for learners at various stages of reading and writing development and from varied cultural and linguistic backgrounds.

*b. 5-12 requirements.* Completion of 24 semester hours in reading to include all of the following requirements:

- (1) Foundations of reading. This requirement includes the following competencies:

1. The practitioner demonstrates knowledge of the psychological, sociocultural, and linguistic foundations of reading and writing processes and instruction.

2. The practitioner demonstrates knowledge of a range of research pertaining to reading, writing, and learning, including scientifically based reading research, and knowledge of histories of reading. The range of research encompasses research traditions from the fields of the social sciences and other paradigms appropriate for informing practice.

3. The practitioner demonstrates knowledge of the major components of reading such as phonemic awareness, word identification, phonics, vocabulary, fluency, and comprehension, and integrates curricular standards with student interests, motivation, and background knowledge.

- (2) Reading in the content areas. This requirement includes the following competencies:

1. The practitioner demonstrates knowledge of text structure and the dimensions of content area vocabulary and comprehension, including literal, interpretive, critical, and evaluative.

2. The practitioner provides content area instruction in reading and writing that effectively uses a variety of research-based strategies and practices.

- (3) Practicum. This requirement includes the following competencies:

1. The practitioner works with licensed professionals who observe, evaluate, and provide feedback on the practitioner's knowledge, dispositions, and performance of the teaching of reading and writing.

2. The practitioner effectively uses reading and writing strategies, materials, and assessments based upon appropriate reading and writing research, and works with colleagues and families in the support of students' reading and writing development.

- (4) Language development. This requirement includes the following competency: The practitioner uses knowledge of the relationship of language acquisition and language development with the acquisition and development of reading skills, and the variations related to cultural and linguistic diversity to provide effective instruction in reading and writing.

(5) Oral communication. This requirement includes the following competency: The practitioner demonstrates knowledge of the unique needs and backgrounds of students with language differences and uses effective strategies for facilitating the learning of Standard English by all learners.

(6) Written communication. This requirement includes the following competency: The practitioner uses knowledge of reading-writing-speaking connections to teach the skills and processes necessary for writing narrative, expressive, persuasive, informational, and descriptive texts, including text structures and mechanics such as grammar, usage, and spelling.

(7) Reading assessment, diagnosis and evaluation. This requirement includes the following competencies:

1. The practitioner uses knowledge of a variety of instruments, procedures, and practices that range from individual to group and from formal to informal to alternative for the identification of students' reading proficiencies and needs, for planning and revising instruction for all students, and for communicating the results of ongoing assessments to all stakeholders.

2. The practitioner demonstrates awareness of policies and procedures related to special programs.

(8) Adolescent or young adult nonfiction and fiction. This requirement includes the following competency: The practitioner uses knowledge of adolescent or young adult literature for:

1. Modeling the reading and writing of varied genres, including fiction and nonfiction; technology and media-based information; and nonprint materials;

2. Motivating through the use of texts at multiple levels, representing broad interests, and reflecting varied cultures, linguistic backgrounds and perspectives; and

3. Matching text complexities to the proficiencies and needs of readers.

(9) Reading instructional strategies. This requirement includes the following competency: The practitioner uses knowledge of a range of research-based strategies and instructional technology for designing and delivering instruction across the curriculum, for grouping students, and for selecting materials appropriate for learners at various stages of reading and writing development and from varied cultural and linguistic backgrounds.

**13.28(16) Reading specialist.** K-12. The applicant must have met the requirements for the standard license and a teaching endorsement, and present evidence of at least one year of experience which included the teaching of reading as a significant part of the responsibility.

- a. *Authorization.* The holder of this endorsement is authorized to serve as a reading specialist in kindergarten and grades one through twelve.

- b. *Program requirements.* Degree—master's.

- c. *Content.* Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements. This sequence is to be at least 27 semester hours to include the following:

- (1) Educational psychology/human growth and development.

- (2) Educational measurement and evaluation.

- (3) Foundations of reading.

- (4) Diagnosis of reading problems.

- (5) Remedial reading.

- (6) Psychology of reading.

- (7) Language learning and reading disabilities.

- (8) Practicum in reading.

- (9) Administration and supervision of reading programs at the elementary and secondary levels.

**13.28(17) Science.**

- a. *Science—basic.* K-8.

- (1) Required coursework. Completion of at least 24 semester hours in science to include 12 hours in physical sciences, 6 hours in biology, and 6 hours in earth/space sciences.

- (2) Pedagogy competencies.

1. Understand the nature of scientific inquiry, its central role in science, and how to use the skills and processes of scientific inquiry.

2. Understand the fundamental facts and concepts in major science disciplines.

3. Be able to make conceptual connections within and across science disciplines, as well as to mathematics, technology, and other school subjects.

4. Be able to use scientific understanding when dealing with personal and societal issues.

*b. Biological science.* 5-12. Completion of 24 semester hours in biological science or 30 semester hours in the broad area of science to include 15 semester hours in biological science.

*c. Chemistry.* 5-12. Completion of 24 semester hours in chemistry or 30 semester hours in the broad area of science to include 15 semester hours in chemistry.

*d. Earth science.* 5-12. Completion of 24 semester hours in earth science or 30 semester hours in the broad area of science to include 15 semester hours in earth science.

*e. Basic science.* 5-12. Completion of 24 semester hours of credit in science to include the following:

(1) Six semester hours of credit in earth and space science to include the following essential concepts and skills:

1. Understand and apply knowledge of energy in the earth system.
2. Understand and apply knowledge of geochemical cycles.

(2) Six semester hours of credit in life science/biological science to include the following essential concepts and skills:

1. Understand and apply knowledge of the cell.
2. Understand and apply knowledge of the molecular basis of heredity.
3. Understand and apply knowledge of the interdependence of organisms.
4. Understand and apply knowledge of matter, energy, and organization in living systems.
5. Understand and apply knowledge of the behavior of organisms.

(3) Six semester hours of credit in physics/physical science to include the following essential concepts and skills:

1. Understand and apply knowledge of the structure of atoms.
2. Understand and apply knowledge of the structure and properties of matter.
3. Understand and apply knowledge of motions and forces.
4. Understand and apply knowledge of interactions of energy and matter.

(4) Six semester hours of credit in chemistry to include the following essential concepts and skills:

1. Understand and apply knowledge of chemical reactions.
2. Be able to design and conduct scientific investigations.

*f. Physical science.* Rescinded IAB 11/14/12, effective 12/19/12.

*g. Physics.*

(1) 5-12. Completion of 24 semester hours in physics or 30 semester hours in the broad area of science to include 15 semester hours in physics.

(2) For holders of the mathematics 5-12 endorsement, completion of:

1. 12 credits of physics to include coursework in mechanics, electricity, and magnetism; and
2. A methods class that includes inquiry-based instruction, resource management, and laboratory safety.

(3) For holders of the chemistry 5-12 endorsement, completion of 12 credits of physics to include coursework in mechanics, electricity, and magnetism.

*h. All science I.* Rescinded IAB 11/14/12, effective 12/19/12.

*i. All science.* 9-12.

(1) Completion of 36 semester hours of credit in science to include the following:

1. Nine semester hours of credit in earth and space science to include the following essential concepts and skills:

- Understand and apply knowledge of energy in the earth system.
- Understand and apply knowledge of geochemical cycles.
- Understand and apply knowledge of the origin and evolution of the earth system.
- Understand and apply knowledge of the origin and evolution of the universe.

2. Nine semester hours of credit in life science/biological science to include the following essential concepts and skills:

- Understand and apply knowledge of the cell.
  - Understand and apply knowledge of the molecular basis of heredity.
  - Understand and apply knowledge of the interdependence of organisms.
  - Understand and apply knowledge of matter, energy, and organization in living systems.
  - Understand and apply knowledge of the behavior of organisms.
  - Understand and apply knowledge of biological evolution.
3. Nine semester hours of credit in physics/physical science to include the following essential concepts and skills:
- Understand and apply knowledge of the structure of atoms.
  - Understand and apply knowledge of the structure and properties of matter.
  - Understand and apply knowledge of motions and forces.
  - Understand and apply knowledge of interactions of energy and matter.
  - Understand and apply knowledge of conservation of energy and increase in disorder.
4. Nine semester hours of credit in chemistry to include the following essential concepts and skills:
- Understand and apply knowledge of chemical reactions.
  - Be able to design and conduct scientific investigations.
- (2) Pedagogy competencies.
1. Understand the nature of scientific inquiry, its central role in science, and how to use the skills and processes of scientific inquiry.
  2. Understand the fundamental facts and concepts in major science disciplines.
  3. Be able to make conceptual connections within and across science disciplines, as well as to mathematics, technology, and other school subjects.
  4. Be able to use scientific understanding when dealing with personal and societal issues.
- 13.28(18) Social sciences.**
- a. *American government.* 5-12. Completion of 24 semester hours in American government or 30 semester hours in the broad area of social sciences to include 15 semester hours in American government.
  - b. *American history.* 5-12. Completion of 24 semester hours in American history or 30 semester hours in the broad area of social sciences to include 15 semester hours in American history.
  - c. *Anthropology.* 5-12. Completion of 24 semester hours in anthropology or 30 semester hours in the broad area of social sciences to include 15 semester hours in anthropology.
  - d. *Economics.* 5-12. Completion of 24 semester hours in economics or 30 semester hours in the broad area of social sciences to include 15 semester hours in economics, or 30 semester hours in the broad area of business to include 15 semester hours in economics.
  - e. *Geography.* 5-12. Completion of 24 semester hours in geography or 30 semester hours in the broad area of social sciences to include 15 semester hours in geography.
  - f. *History.* K-8. Completion of 24 semester hours in history to include at least 9 semester hours in American history and 9 semester hours in world history.
  - g. *Psychology.* 5-12. Completion of 24 semester hours in psychology or 30 semester hours in the broad area of social sciences to include 15 semester hours in psychology.
  - h. *Social studies.* K-8. Completion of 24 semester hours in social studies, to include coursework from at least three of these areas: history, sociology, economics, American government, psychology and geography.
  - i. *Sociology.* 5-12. Completion of 24 semester hours in sociology or 30 semester hours in the broad area of social sciences to include 15 semester hours in sociology.
  - j. *World history.* 5-12. Completion of 24 semester hours in world history or 30 semester hours in the broad area of social sciences to include 15 semester hours in world history.
  - k. *All social sciences.* 5-12. Completion of 51 semester hours in the social sciences to include 9 semester hours in each of American and world history, 9 semester hours in government, 6 semester hours in sociology, 6 semester hours in psychology other than educational psychology, 6 semester hours in geography, and 6 semester hours in economics.

**13.28(19) *Speech communication/theatre.***

*a. K-8.* Completion of 20 semester hours in speech communication/theatre to include coursework in speech communication, creative drama or theatre, and oral interpretation.

*b. 5-12.* Completion of 24 semester hours in speech communication/theatre to include coursework in speech communication, oral interpretation, creative drama or theatre, argumentation and debate, and mass media communication.

**13.28(20) *English as a second language (ESL). K-12.***

*a. Authorization.* The holder of this endorsement is authorized to teach English as a second language in kindergarten and grades one through twelve.

*b. Program requirements.*

- (1) Degree—baccalaureate, and
- (2) Completion of an approved human relations program, and
- (3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).

*c. Content.* Completion of 18 semester hours of coursework in English as a second language to include the following:

- (1) Knowledge of pedagogy to include the following:
  1. Methods and curriculum to include the following:
    - Bilingual and ESL methods.
    - Literacy in native and second language.
    - Methods for subject matter content.
    - Adaptation and modification of curriculum.
  2. Assessment to include language proficiency and academic content.
- (2) Knowledge of linguistics to include the following:
  1. Psycholinguistics and sociolinguistics.
  2. Language acquisition and proficiency to include the following:
    - Knowledge of first and second language proficiency.
    - Knowledge of first and second language acquisition.
    - Language to include structure and grammar of English.
- (3) Knowledge of cultural and linguistic diversity to include the following:
  1. History.
  2. Theory, models, and research.
  3. Policy and legislation.
- (4) Current issues with transient populations.

*d. Other.* Individuals who were licensed in Iowa prior to October 1, 1988, and were allowed to teach English as a second language without completing the endorsement requirements must complete the endorsement requirements by July 1, 2012, in order to teach or continue to teach English as a second language. A waiver provision is available through the board of educational examiners for individuals who have been successfully teaching English as a second language.

**13.28(21) *Elementary school teacher librarian.***

*a. Authorization.* The holder of this endorsement is authorized to serve as a teacher librarian in kindergarten and grades one through eight.

*b. Program requirements.*

- (1) Degree—baccalaureate.
- (2) Completion of an approved human relations program.
- (3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).

*c. Content—prior to September 1, 2012.* The following requirements apply for endorsements issued prior to September 1, 2012. Completion of 24 semester hours in school library coursework to include the following:

- (1) Knowledge of materials and literature in all formats for elementary children.
- (2) Selection, utilization and evaluation of library resources and equipment.
- (3) Design and production of instructional materials.
- (4) Acquisition, cataloging and classification of library materials.

- (5) Information literacy, reference services and networking.
- (6) Planning, evaluation and administration of school library programs.
- (7) Practicum in an elementary school media center/library.

*d. Content—effective on and after September 1, 2012.* The following requirements apply for endorsements issued on and after September 1, 2012. Completion of 24 semester hours in school library coursework to include the following:

- (1) Literacy and reading. This requirement includes the following competencies:
  - 1. Practitioners collaborate with other teachers to integrate developmentally appropriate literature in multiple formats to support literacy in children.
  - 2. Practitioners demonstrate knowledge of resources and strategies to foster leisure reading and model personal enjoyment of reading among children, based on familiarity with selection tools and current trends in literature for children.
- (2) Information and knowledge. This requirement includes the following competencies:
  - 1. Practitioners teach multiple strategies to locate, analyze, evaluate, and ethically use information in the context of inquiry-based learning.
  - 2. Practitioners advocate for flexible and open access to library resources, both physical and virtual.
  - 3. Practitioners uphold and promote the legal and ethical codes of their profession, including privacy, confidentiality, freedom and equity of access to information.
  - 4. Practitioners use skills and knowledge to assess reference sources, services, and tools in order to mediate between information needs and resources to assist learners in determining what they need.
  - 5. Practitioners model and facilitate authentic learning with current and emerging digital tools for locating, analyzing, evaluating and ethically using information resources to support research, learning, creating, and communicating in a digital society.
  - 6. Practitioners demonstrate knowledge of creative and innovative uses of technologies to engage students and facilitate higher-level thinking.
  - 7. Practitioners develop an articulated information literacy curriculum grounded in research related to the information search process.
- (3) Program administration and leadership. This requirement includes the following competencies:
  - 1. Practitioners evaluate and select print, nonprint, and digital resources using professional selection tools and evaluation criteria to develop and manage a quality collection designed to meet the diverse curricular, personal, and professional needs of the educational community.
  - 2. Practitioners demonstrate knowledge necessary to organize the library collections according to current standard library cataloging and classification principles.
  - 3. Practitioners develop policies and procedures to support ethical use of information, intellectual freedom, selection and reconsideration of library materials, and the privacy of users.
  - 4. Practitioners develop strategies for working with regular classroom teachers, support services personnel, paraprofessionals, and other individuals involved in the educational program.
- (4) Practicum. This requirement includes the following competencies:
  - 1. Practitioners apply knowledge of learning styles, stages of human growth and development, and cultural influences of learning at the elementary level.
  - 2. Practitioners implement the principles of effective teaching and learning that contribute to an active, inquiry-based approach to learning in a digital environment at the elementary level.
  - 3. Practitioners understand the teacher librarian role in curriculum development and the school improvement process at the elementary level.
  - 4. Practitioners collaborate to integrate information literacy and emerging technologies into content area curricula at the elementary level.

**13.28(22) Secondary school teacher librarian.**

*a. Authorization.* The holder of this endorsement is authorized to serve as a teacher librarian in grades five through twelve.

*b. Program requirements.*

- (1) Degree—baccalaureate.

- (2) Completion of an approved human relations program.
- (3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).

*c. Content—prior to September 1, 2012.* The following requirements apply for endorsements issued prior to September 1, 2012. Completion of 24 semester hours in school library coursework to include the following:

- (1) Knowledge of materials and literature in all formats for adolescents.
- (2) Selection, utilization and evaluation of library resources and equipment.
- (3) Design and production of instructional materials.
- (4) Acquisition, cataloging and classification of library materials.
- (5) Information literacy, reference services and networking.
- (6) Planning, evaluation and administration of school library programs.
- (7) Practicum in a secondary school media center/library.

*d. Content—effective on and after September 1, 2012.* The following requirements apply for endorsements issued on and after September 1, 2012. Completion of 24 semester hours in school library coursework to include the following:

- (1) Literacy and reading. This requirement includes the following competencies:

1. Practitioners collaborate with other teachers to integrate developmentally appropriate literature in multiple formats to support literacy in young adults.

2. Practitioners demonstrate knowledge of resources and strategies to foster leisure reading and model personal enjoyment of reading among young adults, based on familiarity with selection tools and current trends in literature for young adults.

- (2) Information and knowledge. This requirement includes the following competencies:

1. Practitioners teach multiple strategies to locate, analyze, evaluate, and ethically use information in the context of inquiry-based learning.

2. Practitioners advocate for flexible and open access to library resources, both physical and virtual.

3. Practitioners uphold and promote the legal and ethical codes of their profession, including privacy, confidentiality, freedom and equity of access to information.

4. Practitioners use skills and knowledge to assess reference sources, services, and tools in order to mediate between information needs and resources to assist learners in determining what they need.

5. Practitioners model and facilitate authentic learning with current and emerging digital tools for locating, analyzing, evaluating and ethically using information resources to support research, learning, creating, and communicating in a digital society.

6. Practitioners demonstrate knowledge of creative and innovative uses of technologies to engage students and facilitate higher-level thinking.

7. Practitioners develop an articulated information literacy curriculum grounded in research related to the information search process.

- (3) Program administration and leadership. This requirement includes the following competencies:

1. Practitioners evaluate and select print, nonprint, and digital resources using professional selection tools and evaluation criteria to develop and manage a quality collection designed to meet the diverse curricular, personal, and professional needs of the educational community.

2. Practitioners demonstrate knowledge necessary to organize the library collections according to current standard library cataloging and classification principles.

3. Practitioners develop policies and procedures to support ethical use of information, intellectual freedom, selection and reconsideration of library materials, and the privacy of users.

4. Practitioners develop strategies for working with regular classroom teachers, support services personnel, paraprofessionals, and other individuals involved in the educational program.

- (4) Practicum. This requirement includes the following competencies:

1. Practitioners apply knowledge of learning styles, stages of human growth and development, and cultural influences of learning at the secondary level.

2. Practitioners implement the principles of effective teaching and learning that contribute to an active, inquiry-based approach to learning in a digital environment at the secondary level.

3. Practitioners understand the teacher librarian role in curriculum development and the school improvement process at the secondary level.

4. Practitioners collaborate to integrate information literacy and emerging technologies into content area curricula at the secondary level.

**13.28(23) School teacher librarian. PK-12.**

a. *Authorization.* The holder of this endorsement is authorized to serve as a teacher librarian in prekindergarten through grade twelve. The applicant must be the holder of or eligible for the initial license.

b. *Program requirements.* Degree—master's.

c. *Content—prior to September 1, 2012.* The following requirements apply for endorsements issued prior to September 1, 2012. Completion of a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements. This sequence is to be at least 30 semester hours in school library coursework, to include the following:

- (1) Planning, evaluation and administration of school library programs.
- (2) Curriculum development and teaching and learning strategies.
- (3) Instructional development and communication theory.
- (4) Selection, evaluation and utilization of library resources and equipment.
- (5) Acquisition, cataloging and classification of library materials.
- (6) Design and production of instructional materials.
- (7) Methods for instruction and integration of information literacy skills into the school curriculum.
- (8) Information literacy, reference services and networking.
- (9) Knowledge of materials and literature in all formats for elementary children and adolescents.
- (10) Reading, listening and viewing guidance.
- (11) Utilization and application of computer technology.
- (12) Practicum at both the elementary and secondary levels.
- (13) Research in library and information science.

d. *Content—effective on and after September 1, 2012.* The following requirements apply for endorsements issued on and after September 1, 2012. Completion of a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements. This sequence is to be at least 30 semester hours in school library coursework, to include the following:

- (1) Literacy and reading. This requirement includes the following competencies:
  1. Practitioners collaborate with other teachers to integrate developmentally appropriate literature in multiple formats to support literacy for youth of all ages.
  2. Practitioners demonstrate knowledge of resources and strategies to foster leisure reading and model personal enjoyment of reading, based on familiarity with selection tools and current trends in literature for youth of all ages.
  3. Practitioners understand how to develop a collection of reading and informational materials in print and digital formats that supports the diverse developmental, cultural, social and linguistic needs of all learners and their communities.
  4. Practitioners model and teach reading comprehension strategies to create meaning from text for youth of all ages.
- (2) Information and knowledge. This requirement includes the following competencies:
  1. Practitioners teach multiple strategies to locate, analyze, evaluate, and ethically use information in the context of inquiry-based learning.
  2. Practitioners advocate for flexible and open access to library resources, both physical and virtual.
  3. Practitioners uphold and promote the legal and ethical codes of their profession, including privacy, confidentiality, freedom and equity of access to information.
  4. Practitioners use skills and knowledge to assess reference sources, services, and tools in order to mediate between information needs and resources to assist learners in determining what they need.

5. Practitioners model and facilitate authentic learning with current and emerging digital tools for locating, analyzing, evaluating and ethically using information resources to support research, learning, creating, and communicating in a digital society.

6. Practitioners demonstrate knowledge of creative and innovative uses of technologies to engage students and facilitate higher-level thinking.

7. Practitioners develop an articulated information literacy curriculum grounded in research related to the information search process.

8. Practitioners understand the process of collecting, interpreting, and using data to develop new knowledge to improve the school library program.

9. Practitioners employ the methods of research in library and information science.

(3) Program administration and leadership. This requirement includes the following competencies:

1. Practitioners evaluate and select print, nonprint, and digital resources using professional selection tools and evaluation criteria to develop and manage a quality collection designed to meet the diverse curricular, personal, and professional needs of the educational community.

2. Practitioners demonstrate knowledge necessary to organize the library collections according to current standard library cataloging and classification principles.

3. Practitioners develop policies and procedures to support ethical use of information, intellectual freedom, selection and reconsideration of library materials, and the privacy of users of all ages.

4. Practitioners develop strategies for working with regular classroom teachers, support services personnel, paraprofessionals, and other individuals involved in the educational program.

5. Practitioners demonstrate knowledge of best practices related to planning, budgeting (including alternative funding), organizing, and evaluating human and information resources and facilities to ensure equitable access.

6. Practitioners understand strategic planning to ensure that the school library program addresses the needs of diverse communities.

7. Practitioners advocate for school library and information programs, resources, and services among stakeholders.

8. Practitioners promote initiatives and partnerships to further the mission and goals of the school library program.

(4) Practicum. This requirement includes the following competencies:

1. Practitioners apply knowledge of learning styles, stages of human growth and development, and cultural influences of learning at the elementary and secondary levels.

2. Practitioners implement the principles of effective teaching and learning that contribute to an active, inquiry-based approach to learning in a digital environment at the elementary and secondary levels.

3. Practitioners understand the teacher librarian role in curriculum development and the school improvement process at the elementary and secondary levels.

4. Practitioners collaborate to integrate information literacy and emerging technologies into content area curricula.

**13.28(24) *Talented and gifted teacher.***

*a. Authorization.* The holder of this endorsement is authorized to serve as a teacher or a coordinator of programs for the talented and gifted from the prekindergarten level through grade twelve. This authorization does not permit general classroom teaching at any level except that level or area for which the holder is eligible or holds the specific endorsement.

*b. Program requirements—content.* Completion of 12 undergraduate or graduate semester hours of coursework in the area of the talented and gifted to include the following:

(1) Psychology of the gifted.

1. Social needs.

2. Emotional needs.

(2) Programming for the gifted.

1. Prekindergarten-12 identification.

2. Differentiation strategies.

3. Collaborative teaching skills.
4. Program goals and performance measures.
5. Program evaluation.
- (3) Practicum experience in gifted programs.

NOTE: Teachers in specific subject areas will not be required to hold this endorsement if they teach gifted students in their respective endorsement areas.

*c. Other.* Individuals who were licensed in Iowa prior to August 31, 1995, and were allowed to teach talented and gifted classes without completing the endorsement requirements must complete the endorsement requirements by July 1, 2012, in order to teach or continue to teach talented and gifted classes. A waiver provision is provided through the board of educational examiners for individuals who have been successfully teaching students who are talented and gifted.

**13.28(25) American Sign Language endorsement.**

*a. Authorization.* The holder of this endorsement is authorized to teach American Sign Language in kindergarten and grades one through twelve.

*b. Program requirements.*

- (1) Degree—baccalaureate.
- (2) Completion of an approved human relations program.
- (3) Completion of the professional education core.

*c. Content.* Completion of 18 semester hours of coursework in American Sign Language to include the following:

- (1) Second language acquisition.
- (2) Sociology of the deaf community.
- (3) Linguistic structure of American Sign Language.
- (4) Language teaching methodology specific to American Sign Language.
- (5) Teaching the culture of deaf people.
- (6) Assessment of students in an American Sign Language program.

*d. Other.* Be the holder of or be eligible for one other teaching endorsement listed in rules 282—13.26(272) and 282—13.27(272) and this rule.

**13.28(26) Elementary counselor.**

*a. Authorization.* The holder of this endorsement has not completed the professional education core (subrule 13.18(4)) but is authorized to serve as a school guidance counselor in kindergarten and grades one through eight.

*b. Program requirements.*

- (1) Master's degree from an accredited institution of higher education.
- (2) Completion of an approved human relations component.
- (3) Completion of an approved exceptional learner component.

*c. Content.* Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements to include the following:

- (1) Nature and needs of individuals at all developmental levels.
  1. Develop strategies for facilitating development through the transition from childhood to adolescence and from adolescence to young adulthood.
  2. Apply knowledge of learning and personality development to assist students in developing their full potential.
- (2) Social and cultural foundations.
  1. Demonstrate awareness of and sensitivity to the unique social, cultural, and economic circumstances of students and their racial/ethnic, gender, age, physical, and learning differences.
  2. Demonstrate sensitivity to the nature and the functioning of the student within the family, school and community contexts.
  3. Demonstrate the counseling and consultation skills needed to facilitate informed and appropriate action in response to the needs of students.
- (3) Fostering of relationships.

1. Employ effective counseling and consultation skills with students, parents, colleagues, administrators, and others.
  2. Communicate effectively with parents, colleagues, students and administrators.
  3. Counsel students in the areas of personal, social, academic, and career development.
  4. Assist families in helping their children address the personal, social, and emotional concerns and problems that may impede educational progress.
  5. Implement developmentally appropriate counseling interventions with children and adolescents.
  6. Demonstrate the ability to negotiate and move individuals and groups toward consensus or conflict resolution or both.
  7. Refer students for specialized help when appropriate.
  8. Value the well-being of the students as paramount in the counseling relationship.
- (4) Group work.
1. Implement developmentally appropriate interventions involving group dynamics, counseling theories, group counseling methods and skills, and other group work approaches.
  2. Apply knowledge of group counseling in implementing appropriate group processes for elementary, middle school, and secondary students.
- (5) Career development, education, and postsecondary planning.
1. Assist students in the assessment of their individual strengths, weaknesses, and differences, including those that relate to academic achievement and future plans.
  2. Apply knowledge of career assessment and career choice programs.
  3. Implement occupational and educational placement, follow-up and evaluation.
  4. Develop a counseling network and provide resources for use by students in personalizing the exploration of postsecondary educational opportunities.
- (6) Assessment and evaluation.
1. Demonstrate individual and group approaches to assessment and evaluation.
  2. Demonstrate an understanding of the proper administration and uses of standardized tests.
  3. Apply knowledge of test administration, scoring, and measurement concerns.
  4. Apply evaluation procedures for monitoring student achievement.
  5. Apply assessment information in program design and program modifications to address students' needs.
  6. Apply knowledge of legal and ethical issues related to assessment and student records.
- (7) Professional orientation.
1. Apply knowledge of history, roles, organizational structures, ethics, standards, and credentialing.
  2. Maintain a high level of professional knowledge and skills.
  3. Apply knowledge of professional and ethical standards to the practice of school counseling.
  4. Articulate the counselor role to school personnel, parents, community, and students.
- (8) School counseling skills.
1. Design, implement, and evaluate a comprehensive, developmental school guidance program.
  2. Implement and evaluate specific strategies designed to meet program goals and objectives.
  3. Consult and coordinate efforts with resource persons, specialists, businesses, and agencies outside the school to promote program objectives.
  4. Provide information appropriate to the particular educational transition and assist students in understanding the relationship that their curricular experiences and academic achievements will have on subsequent educational opportunities.
  5. Assist parents and families in order to provide a supportive environment in which students can become effective learners and achieve success in pursuit of appropriate educational goals.
  6. Provide training, orientation, and consultation assistance to faculty, administrators, staff, and school officials to assist them in responding to the social, emotional, and educational development of all students.

7. Collaborate with teachers, administrators, and other educators in ensuring that appropriate educational experiences are provided that allow all students to achieve success.

8. Assist in the process of identifying and addressing the needs of the exceptional student.

9. Apply knowledge of legal and ethical issues related to child abuse and mandatory reporting.

10. Advocate for the educational needs of students and work to ensure that these needs are addressed at every level of the school experience.

11. Promote use of counseling and guidance activities and programs involving the total school community to provide a positive school climate.

(9) Classroom management.

1. Apply effective classroom management strategies as demonstrated in classroom guidance and large group guidance lessons.

2. Consult with teachers and parents about effective classroom management and behavior management strategies.

(10) Curriculum.

1. Write classroom lessons including objectives, learning activities, and discussion questions.

2. Utilize various methods of evaluating what students have learned in classroom lessons.

3. Demonstrate competency in conducting classroom and other large group activities, utilizing an effective lesson plan design, engaging students in the learning process, and employing age-appropriate classroom management strategies.

4. Design a classroom unit of developmentally appropriate learning experiences.

5. Demonstrate knowledge in writing standards and benchmarks for curriculum.

(11) Learning theory.

1. Identify and consult with teachers about how to create a positive learning environment utilizing such factors as effective classroom management strategies, building a sense of community in the classroom, and cooperative learning experiences.

2. Identify and consult with teachers regarding teaching strategies designed to motivate students using small group learning activities, experiential learning activities, student mentoring programs, and shared decision-making opportunities.

3. Demonstrate knowledge of child and adolescent development and identify developmentally appropriate teaching and learning strategies.

(12) Teaching and counseling practicum. The school counselor demonstrates competency in conducting classroom sessions with elementary and middle school students. The practicum consisting of a minimum of 500 contact hours provides opportunities for the prospective counselor, under the supervision of a licensed professional school counselor, to engage in a variety of activities in which a regularly employed school counselor would be expected to participate including, but not limited to, individual counseling, group counseling, developmental classroom guidance, and consultation.

**13.28(27) Secondary counselor.**

*a. Authorization.* The holder of this endorsement has not completed the professional education core (subrule 13.18(4)) but is authorized to serve as a school guidance counselor in grades five through twelve.

*b. Program requirements.*

(1) Master's degree from an accredited institution of higher education.

(2) Completion of an approved human relations component.

(3) Completion of an approved exceptional learner component.

*c. Content.* Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements to include the following:

(1) Nature and needs of individuals at all developmental levels.

1. Develop strategies for facilitating development through the transition from childhood to adolescence and from adolescence to young adulthood.

2. Apply knowledge of learning and personality development to assist students in developing their full potential.

(2) Social and cultural foundations.

1. Demonstrate awareness of and sensitivity to the unique social, cultural, and economic circumstances of students and their racial/ethnic, gender, age, physical, and learning differences.
2. Demonstrate sensitivity to the nature and the functioning of the student within the family, school and community contexts.
3. Demonstrate the counseling and consultation skills needed to facilitate informed and appropriate action in response to the needs of students.
- (3) Fostering of relationships.
  1. Employ effective counseling and consultation skills with students, parents, colleagues, administrators, and others.
  2. Communicate effectively with parents, colleagues, students and administrators.
  3. Counsel students in the areas of personal, social, academic, and career development.
  4. Assist families in helping their children address the personal, social, and emotional concerns and problems that may impede educational progress.
  5. Implement developmentally appropriate counseling interventions with children and adolescents.
  6. Demonstrate the ability to negotiate and move individuals and groups toward consensus or conflict resolution or both.
  7. Refer students for specialized help when appropriate.
  8. Value the well-being of the students as paramount in the counseling relationship.
- (4) Group work.
  1. Implement developmentally appropriate interventions involving group dynamics, counseling theories, group counseling methods and skills, and other group work approaches.
  2. Apply knowledge of group counseling in implementing appropriate group processes for elementary, middle school, and secondary students.
- (5) Career development, education, and postsecondary planning.
  1. Assist students in the assessment of their individual strengths, weaknesses, and differences, including those that relate to academic achievement and future plans.
  2. Apply knowledge of career assessment and career choice programs.
  3. Implement occupational and educational placement, follow-up and evaluation.
  4. Develop a counseling network and provide resources for use by students in personalizing the exploration of postsecondary educational opportunities.
- (6) Assessment and evaluation.
  1. Demonstrate individual and group approaches to assessment and evaluation.
  2. Demonstrate an understanding of the proper administration and uses of standardized tests.
  3. Apply knowledge of test administration, scoring, and measurement concerns.
  4. Apply evaluation procedures for monitoring student achievement.
  5. Apply assessment information in program design and program modifications to address students' needs.
  6. Apply knowledge of legal and ethical issues related to assessment and student records.
- (7) Professional orientation.
  1. Apply knowledge of history, roles, organizational structures, ethics, standards, and credentialing.
  2. Maintain a high level of professional knowledge and skills.
  3. Apply knowledge of professional and ethical standards to the practice of school counseling.
  4. Articulate the counselor role to school personnel, parents, community, and students.
- (8) School counseling skills.
  1. Design, implement, and evaluate a comprehensive, developmental school guidance program.
  2. Implement and evaluate specific strategies designed to meet program goals and objectives.
  3. Consult and coordinate efforts with resource persons, specialists, businesses, and agencies outside the school to promote program objectives.

4. Provide information appropriate to the particular educational transition and assist students in understanding the relationship that their curricular experiences and academic achievements will have on subsequent educational opportunities.

5. Assist parents and families in order to provide a supportive environment in which students can become effective learners and achieve success in pursuit of appropriate educational goals.

6. Provide training, orientation, and consultation assistance to faculty, administrators, staff, and school officials to assist them in responding to the social, emotional, and educational development of all students.

7. Collaborate with teachers, administrators, and other educators in ensuring that appropriate educational experiences are provided that allow all students to achieve success.

8. Assist in the process of identifying and addressing the needs of the exceptional student.

9. Apply knowledge of legal and ethical issues related to child abuse and mandatory reporting.

10. Advocate for the educational needs of students and work to ensure that these needs are addressed at every level of the school experience.

11. Promote use of counseling and guidance activities and programs involving the total school community to provide a positive school climate.

(9) Classroom management.

1. Apply effective classroom management strategies as demonstrated in classroom guidance and large group guidance lessons.

2. Consult with teachers and parents about effective classroom management and behavior management strategies.

(10) Curriculum.

1. Write classroom lessons including objectives, learning activities, and discussion questions.

2. Utilize various methods of evaluating what students have learned in classroom lessons.

3. Demonstrate competency in conducting classroom and other large group activities, utilizing an effective lesson plan design, engaging students in the learning process, and employing age-appropriate classroom management strategies.

4. Design a classroom unit of developmentally appropriate learning experiences.

5. Demonstrate knowledge in writing standards and benchmarks for curriculum.

(11) Learning theory.

1. Identify and consult with teachers about how to create a positive learning environment utilizing such factors as effective classroom management strategies, building a sense of community in the classroom, and cooperative learning experiences.

2. Identify and consult with teachers regarding teaching strategies designed to motivate students using small group learning activities, experiential learning activities, student mentoring programs, and shared decision-making opportunities.

3. Demonstrate knowledge of child and adolescent development and identify developmentally appropriate teaching and learning strategies.

(12) Teaching and counseling practicum. The school counselor demonstrates competency in conducting classroom sessions with middle and secondary school students. The practicum consisting of a minimum of 500 contact hours provides opportunities for the prospective counselor, under the supervision of a licensed professional school counselor, to engage in a variety of activities in which a regularly employed school counselor would be expected to participate including, but not limited to, individual counseling, group work, developmental classroom guidance and consultation.

**13.28(28) School nurse endorsement.** The school nurse endorsement does not authorize general classroom teaching, although it does authorize the holder to teach health at all grade levels. Alternatively, a nurse may obtain a statement of professional recognition (SPR) from the board of educational examiners, in accordance with the provisions set out in 282—Chapter 16, Statements of Professional Recognition (SPR).

*a. Authorization.* The holder of this endorsement is authorized to provide service as a school nurse at the prekindergarten and kindergarten levels and in grades one through twelve.

*b. Program requirements.*

- (1) Degree—baccalaureate, and
- (2) Completion of an approved human relations program, and
- (3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).

*c. Content.*

- (1) Organization and administration of school nurse services including the appraisal of the health needs of children and youth.
- (2) School-community relationships and resources/coordination of school and community resources to serve the health needs of children and youth.
- (3) Knowledge and understanding of the health needs of exceptional children.
- (4) Health education.

*d. Other.* Hold a license as a registered nurse issued by the Iowa board of nursing.

**13.28(29) Athletic coach.** K-12. An applicant for the coaching endorsement must hold a teacher's license with one of the teaching endorsements.

*a. Authorization.* The holder of this endorsement may serve as a head coach or an assistant coach in kindergarten and grades one through twelve.

*b. Program requirements.*

- (1) One semester hour college or university course in the structure and function of the human body in relation to physical activity, and
- (2) One semester hour college or university course in human growth and development of children and youth as related to physical activity, and
- (3) Two semester hour college or university course in athletic conditioning, care and prevention of injuries and first aid as related to physical activity, and
- (4) One semester hour college or university course in the theory of coaching interscholastic athletics.

[ARC 7986B, IAB 7/29/09, effective 9/2/09; ARC 8248B, IAB 11/4/09, effective 10/12/09; ARC 8403B, IAB 12/16/09, effective 1/20/10; ARC 9070B, IAB 9/8/10, effective 10/13/10; ARC 9071B, IAB 9/8/10, effective 10/13/10; ARC 9210B, IAB 11/3/10, effective 12/8/10; ARC 9211B, IAB 11/3/10, effective 12/8/10; ARC 9212B, IAB 11/3/10, effective 12/8/10; ARC 9838B, IAB 11/2/11, effective 12/7/11; ARC 9839B, IAB 11/2/11, effective 12/7/11; ARC 0448C, IAB 11/14/12, effective 12/19/12; ARC 0449C, IAB 11/14/12, effective 12/19/12]

**282—13.29(272) Adding, removing or reinstating a teaching endorsement.**

**13.29(1) Adding an endorsement.** After the issuance of a teaching license, an individual may add other endorsements to that license upon proper application, provided current requirements for that endorsement have been met. An updated license with expiration date unchanged from the original or renewed license will be prepared.

*a. Options.* To add an endorsement, the applicant must follow one of these options:

- (1) Option 1. Receive the Iowa teacher education institution's recommendation that the current approved program requirements for the endorsement have been met.
- (2) Option 2. Receive verification from the Iowa teacher education institution that the minimum state requirements for the endorsement have been met in lieu of the institution's approved program.
- (3) Option 3. Receive verification from a state-approved and regionally accredited institution that the Iowa minimum requirements for the endorsement have been met.
- (4) Option 4. Apply for a review of the transcripts by the board of educational examiners' staff to determine if all Iowa requirements have been met. The applicant must submit documentation that all of the Iowa requirements have been met by filing transcripts and supporting documentation for review. The fee for the transcript evaluation is in 282—Chapter 12. This fee shall be in addition to the fee for adding the endorsement.

*b. Additional requirements for adding an endorsement.*

- (1) In addition to meeting the requirements listed in rules 282—13.18(272) and 282—13.28(272), applicants for endorsements shall have completed a methods class appropriate for teaching the general subject area of the endorsement added.

(2) Practitioners who are adding an elementary or early childhood endorsement and have not student taught on the elementary or early childhood level shall complete a teaching practicum appropriate for teaching at the level of the new endorsement.

(3) Practitioners who are adding a secondary teaching endorsement and have not student taught on the secondary level shall complete a teaching practicum appropriate for teaching at the level of the new endorsement.

(4) Practitioners holding the K-8 endorsement in the content area of the 5-12 endorsement being added may satisfy the requirement for the secondary methods class and the teaching practicum by completing all required coursework and presenting verification of competence. This verification of competence shall be signed by a licensed evaluator who has observed and formally evaluated the performance of the applicant at the secondary level. This verification of competence may be submitted at any time during the term of the Class B license. The practitioner must obtain a Class B license while practicing with the 5-12 endorsement.

**13.29(2) Removal of an endorsement; reinstatement of removed endorsement.**

*a. Removal of an endorsement.* A practitioner may remove an endorsement from the practitioner's license as follows:

(1) To remove an endorsement, the practitioner shall meet the following conditions:

1. A practitioner who holds a standard or master educator license is eligible to request removal of an endorsement from the license if the practitioner has not taught in the subject or assignment area of the endorsement in the five years prior to the request for removal of the endorsement, and

2. The practitioner must submit a notarized written application form furnished by the board of educational examiners to remove an endorsement at the time of licensure renewal (licensure renewal is limited to one calendar year prior to the expiration date of the current license), and

3. The application must be signed by the superintendent or designee in the district in which the practitioner is under contract. The superintendent's signature shall serve as notification and acknowledgment of the practitioner's intent to remove an endorsement from the practitioner's license. The absence of the superintendent's or designee's signature does not impede the removal process.

(2) The endorsement shall be removed from the license at the time of application.

(3) If a practitioner is not employed and submits an application, the provisions of 13.29(2) "a"(1)"3" shall not be required.

(4) If a practitioner submits an application that does not meet the criteria listed in 13.29(2) "a"(1)"1" to "3," the application will be rendered void and the practitioner will forfeit the processing fee.

(5) The executive director has the authority to approve or deny the request for removal. Any denial is subject to the appeal process set forth in rule 282—11.35(272).

*b. Reinstatement of a removed endorsement.*

(1) If the practitioner wants to add the removed endorsement at a future date, all coursework for the endorsement must be completed within the five years preceding the application to add the endorsement.

(2) The practitioner must meet the current endorsement requirements when making application.

[ARC 8248B, IAB 11/4/09, effective 10/12/09]

**282—13.30(272) Licenses—issue dates, corrections, duplicates, and fraud.**

**13.30(1) Issue date on original license.** A license is valid only from and after the date of issuance.

**13.30(2) Correcting licenses.** If a licensee notifies board staff of a typographical or clerical error on the license within 30 days of the date of the board's mailing of a license, a corrected license shall be issued without charge to the licensee. If notification of a typographical or clerical error is made more than 30 days after the date of the board's mailing of a license, a corrected license shall be issued upon receipt of the fee for issuance of a duplicate license. For purposes of this rule, typographical or clerical errors include misspellings, errors in the expiration date of a license, errors in the type of license issued, and the omission or misidentification of the endorsements for which application was made. A licensee requesting the addition of an endorsement not included on the initial application must submit a new application and the appropriate application fee.

**13.30(3) Duplicate licenses.** Upon application and payment of the fee set out in 282—Chapter 12, a duplicate license shall be issued.

**13.30(4) Fraud in procurement or renewal of licenses.** Fraud in procurement or renewal of a license or falsifying records for licensure purposes will constitute grounds for filing a complaint with the board of educational examiners.

These rules are intended to implement Iowa Code chapter 272.

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CHAPTER 17  
CAREER AND TECHNICAL ENDORSEMENTS AND LICENSES  
[Prior to 1/14/09, see Educational Examiners Board[282] Ch 16]

**282—17.1(272) Requirements for secondary level (grades 7-12) license.** The initial license with the appropriate endorsement will be issued if the requirements of rules 282—13.6(272) and 282—13.18(272) for initial licensing have been met.

**17.1(1) Secondary level career and technical endorsements.** The following are required for adding secondary level career and technical endorsements to an initial, standard, master educator, or permanent professional teaching license.

*a. Agricultural sciences and agribusiness.*

(1) Completion of 24 semester credit hours in agriculture and agriculture education to include:

1. Foundations of vocational and career education.
2. Planning and implementing courses and curriculum.
3. Methods and techniques of instruction to include evaluation of programs and students.
4. Coordination of cooperative education programs.
5. Coursework in each of the following areas and at least 3 semester credit hours in five of the following areas:

- Agribusiness systems;
- Power, structural, and technical systems;
- Plant systems;
- Animal systems;
- Natural resources systems;
- Environmental service systems; and
- Food products and processing systems.

(2) One thousand hours of work experience in one or more of the areas listed in 17.1(1)“e.”

*b. Marketing/distributive education.* Completion of 24 semester hours in business to include a minimum of 6 semester hours each in marketing, management, and economics. Three thousand hours of recent, relevant work experience in occupations where the distribution of goods and services was the prime function. Coursework in foundations of career and technical education, in curriculum design oriented to marketing, and in the coordination of cooperative education programs.

*c. Office education.* Completion of 24 semester hours in business to include coursework in office management, business communications, word and data processing, and computer applications in business. Three thousand hours of recent, relevant work experience in an office-related occupation. Coursework in foundations of career and technical education, in curriculum design oriented to office education, and in the coordination of cooperative education programs.

*d. Consumer and homemaking education.* Completion of 24 semester hours in food and nutrition, consumer education, family living and parenthood education, child development, housing, home and resource management, and clothing and textiles. Four hundred hours of work experience in one or more homemaking or consumer-related occupations. Coursework in consumer and homemaking education to include methods and techniques of instruction, foundations of career and technical education, course and curriculum development, and evaluation of programs and students.

*e. Career and technical home economics.*

(1) Option 1. Completion of the requirements for consumer and homemaking education (see 17.1(1)“d”) and special preparation in the career and technical area or 400 hours of employment related specifically to the career and technical area.

(2) Option 2. Completion of a baccalaureate degree with a major in the career and technical area, coursework in methods and techniques of teaching, course and curriculum development, evaluation of programs and students, foundations of career and technical education, coordination of cooperative programs and a teaching practicum (supervised or assessment of other teaching experience), and 400 hours of employment related specifically to the career and technical area.

**17.1(2) *Multioccupations.*** Completion of any 7-12 endorsement, and in addition thereto, coursework in foundations of career and technical education, coordination of cooperative programs, and competency-based curriculum development. Four thousand hours of career and technical experience in two or more occupations. The multioccupations endorsement also authorizes the holder to supervise students in cooperative programs, school-to-work programs, and similar programs in which the student is placed in school-sponsored, on-the-job situations.

**17.1(3) *Specialized secondary career and technical endorsement programs.*** These are bachelor's degree programs which include specific preparation in career and technical teacher education.

*a. Health occupations.* Four thousand hours of health care-related career and technical experience within five years preceding application for licensure in the occupation to be taught. Program completion leading to registration, certification, or licensure in Iowa in the health specialty to be taught. Coursework in foundations of career and technical education, planning and implementing courses and curriculum, methods and techniques of instruction, and evaluation of programs and students.

*b. Trade and industrial subjects.* Demonstrated career and technical competence in an industrial, trade, or technical field by completion of a minimum of 4,000 hours of practical, hands-on experience in the area in which the endorsement is sought or written examination. Coursework in foundations of career and technical education, planning and implementing courses and curriculum, methods and techniques of instruction, and evaluation of programs and students.

[ARC 8404B, IAB 12/16/09, effective 1/20/10]

**282—17.2(272) Requirements for the initial career and technical secondary license.** This license is valid for five years. This license is provided to noneducators entering the education profession to instruct in occupations and specialty “fields” that are recognized in career and technical service areas and career cluster areas.

**17.2(1)** An applicant for this license must have completed 6,000 hours of recent and relevant career and technical experience in the teaching endorsement area sought. In those subjects, career and technical areas or endorsement areas which require state registration, certification or licensure, the applicant must hold the appropriate license, registration or certificate before the initial career and technical secondary license or the career and technical secondary license will be issued.

**17.2(2)** Applicants must commit to complete the following requirements within the term of this license. Holders of this license are expected to make annual progress at a minimum rate of one course per year to complete the studies.

*a.* A new teachers’ workshop of a minimum of 30 clock hours and specified competencies, to be completed during the first year of license validity.

*b.* Competency development in the methods and techniques of teaching.

*c.* Competency development in course and curriculum development.

*d.* Competency development in the measurement and evaluation of programs and students.

*e.* Competency development in the history and philosophy (foundations) of career and technical education.

*f.* An approved human relations course as described in rule 282—13.22(272).

**17.2(3)** Individuals who believe that their previous professional experiences or formal education and preparation indicate mastery of competencies in the required study areas may have the specific requirements waived. Transcripts or other supporting data should be provided to a teacher educator at one of the institutions which has an approved teacher education program. The results of the competency determination will be forwarded with recommendations to the board of educational examiners. Board personnel will make final determination as to the competencies mastered and cite studies which yet need to be completed, if any.

[ARC 0026C, IAB 3/7/12, effective 4/11/12]

**282—17.3(272) Requirements for the career and technical secondary license.** This license is valid for five years.

**17.3(1)** Initial requirements. An applicant for this license must meet the requirements for the initial career and technical secondary license.

**17.3(2)** Renewal requirements for the career and technical secondary license. Six units are needed for renewal. These units may be earned in any combination of the units listed below.

*a.* One renewal unit may be earned for each semester hour of credit which advances an applicant toward the completion of a degree program.

*b.* One renewal unit may be earned for each semester hour of credit completed which may not lead to a degree but which adds greater technical depth/competence to the endorsement(s) held.

*c.* Renewal units may be earned upon the completion of staff development programs approved through guidelines established by the board of educational examiners or a technical update program approved by the board of educational examiners.

**17.3(3)** The applicant must complete an approved human relations component if the applicant has not previously done so.

**17.3(4)** An applicant who renews a license issued by the board of educational examiners must submit documentation of completion of the child and dependent adult abuse training approved by the state abuse education review panel. A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:

*a.* A person is engaged in active duty in the military service of this state or of the United States.

*b.* The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.

*c.* A person is practicing a licensed profession outside this state.

*d.* A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.

**282—17.4(272) Requirements for a Class D career and technical license.** Rescinded ARC 0609C, IAB 2/20/13, effective 3/27/13.

These rules are intended to implement Iowa Code chapter 272.

[Filed 12/24/08, Notice 10/22/08—published 1/14/09, effective 2/18/09]

[Filed ARC 8404B (Notice ARC 8130B, IAB 9/9/09), IAB 12/16/09, effective 1/20/10]

[Filed ARC 0026C (Notice ARC 9924B, IAB 12/14/11), IAB 3/7/12, effective 4/11/12]

[Filed ARC 0609C (Notice ARC 0492C, IAB 12/12/12), IAB 2/20/13, effective 3/27/13]



CHAPTER 18  
ISSUANCE OF ADMINISTRATOR LICENSES AND ENDORSEMENTS

[Prior to 1/14/09, see Educational Examiners Board[282] Ch 14]

**282—18.1(272) All applicants desiring an Iowa administrator license.** Administrator licenses are issued upon application filed on a form provided by the board of educational examiners and upon completion of the following:

**18.1(1) *National criminal history background check.*** An initial applicant will be required to submit a completed fingerprint packet that accompanies the application to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint packet will be assessed to the applicant.

**18.1(2) *Iowa division of criminal investigation background check.*** An Iowa division of criminal investigation background check will be conducted on initial applicants. The fee for the evaluation of the DCI background check will be assessed to the applicant.

**18.1(3) *Temporary permits.*** The executive director may issue a temporary permit to an applicant for any type of license, certification, or authorization issued by the board, after receipt of a fully completed application, including certification from the applicant of completion of the Praxis II examination, if required; determination that the applicant meets all applicable prerequisites for issuance of the license, certification, or authorization; and satisfactory evaluation of the Iowa criminal history background check. The temporary permit shall serve as evidence of the applicant's authorization to hold a position in Iowa schools, pending the satisfactory completion of the national criminal history background check and the board's receipt of verification of completion of the Praxis II examination. The temporary permit shall expire upon issuance of the requested license, certification, or authorization or 90 days from the date of issuance of the permit, whichever occurs first, unless the temporary permit is extended upon a finding of good cause by the executive director.

**282—18.2(272) Applicants from recognized Iowa institutions.** An applicant for initial licensure shall complete the administrator preparation program from a recognized Iowa institution or an alternative program recognized by the Iowa board of educational examiners. A recognized Iowa institution is one which has its program of preparation approved by the state board of education according to standards established by said board, or an alternative program recognized by the state board of educational examiners. Applicants shall complete the requirements set out in rule 282—18.1(272) and shall also have the recommendation for the specific license and endorsement(s) or the specific endorsement(s) from the designated recommending official at the recognized education institution where the preparation was completed.

**282—18.3(272) Applicants from recognized non-Iowa institutions.** Rescinded IAB 9/9/09, effective 10/14/09.

**282—18.4(272) General requirements for an administrator license.**

**18.4(1) *Eligibility for applicants who have completed a teacher preparation program.*** Applicants for the administrator license must first comply with the requirements for all Iowa practitioners set out in 282—Chapter 13. Additionally, the requirements of rules 282—13.2(272) and 282—13.3(272) and the license-specific requirements set forth under each license must be met before an applicant is eligible for an administrator license.

**18.4(2) *Specific requirements for an initial administrator license for applicants who have completed a teacher preparation program.*** An initial administrator license valid for one year may be issued to an applicant who:

- a. Is the holder of or is eligible for a standard license; and
- b. Has three years of teaching experience; and
- c. Has completed a state-approved PK-12 principal and PK-12 supervisor of special education program (see subrule 18.9(1)); and

*d.* Is assuming a position as a PK-12 principal and PK-12 supervisor of special education (see subrule 18.9(1)) for the first time or has one year of out-of-state or nonpublic administrative experience; and

*e.* Has completed an approved human relations component; and

*f.* Has completed an exceptional learner component; and

*g.* Has completed an evaluator approval program.

**18.4(3)** *Eligibility for applicants who have completed a professional service endorsement program.* Applicants for the administrator license must first comply with the requirements set out in 282—Chapter 27.

**18.4(4)** *Specific requirements for an initial administrator license for applicants who have completed a professional service endorsement.* An initial administrator license valid for one year may be issued to an applicant who:

*a.* Is the holder of an Iowa professional service license; and

*b.* Has three years of experience in an educational setting in the professional service endorsement area; and

*c.* Has completed a state-approved PK-12 principal and PK-12 supervisor of special education program (see subrule 18.9(1)); and

*d.* Is assuming a position as a PK-12 principal and PK-12 supervisor of special education (see subrule 18.9(1)) for the first time or has one year of out-of-state or nonpublic administrative experience; and

*e.* Has completed an approved human relations component; and

*f.* Has completed an exceptional learner component; and

*g.* Has completed the professional education core in 282—paragraphs 13.18(4) “a” through “j”; and

*h.* Has completed an evaluator approval program.

[ARC 8248B, IAB 11/4/09, effective 10/12/09; ARC 8958B, IAB 7/28/10, effective 9/1/10]

**282—18.5(272) Specific requirements for a professional administrator license.** A professional administrator license valid for five years may be issued to an applicant who does all of the following:

**18.5(1)** Completes the requirements in 18.4(2) “a” to “g.”

**18.5(2)** Successfully meets each standard listed below:

*a. Shared vision.* An educational leader promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community. The administrator:

(1) In collaboration with others, uses appropriate data to establish rigorous, concrete goals in the context of student achievement and instructional programs.

(2) Uses research and best practices in improving the educational program.

(3) Articulates and promotes high expectations for teaching and learning.

(4) Aligns and implements the educational programs, plans, actions, and resources with the district’s vision and goals.

(5) Provides leadership for major initiatives and change efforts.

(6) Communicates effectively to various stakeholders regarding progress with school improvement plan goals.

*b. Culture of learning.* An educational leader promotes the success of all students by advocating, nurturing and sustaining a school culture and instructional program conducive to student learning and staff professional development. The administrator:

(1) Provides leadership for assessing, developing and improving climate and culture.

(2) Systematically and fairly recognizes and celebrates accomplishments of staff and students.

(3) Provides leadership, encouragement, opportunities and structure for staff to continually design more effective teaching and learning experiences for all students.

(4) Monitors and evaluates the effectiveness of curriculum, instruction and assessment.

(5) Evaluates staff and provides ongoing coaching for improvement.

(6) Ensures that staff members have professional development that directly enhances their performance and improves student learning.

(7) Uses current research and theory about effective schools and leadership to develop and revise the administrator's professional growth plan.

(8) Promotes collaboration with all stakeholders.

(9) Is easily accessible and approachable to all stakeholders.

(10) Is highly visible and engaged in the school community.

(11) Articulates the desired school culture and shows evidence about how it is reinforced.

*c. Management.* An educational leader promotes the success of all students by ensuring management of the organization, operations and resources for a safe, efficient and effective learning environment. The administrator:

(1) Complies with state and federal mandates and local board policies.

(2) Recruits, selects, inducts, and retains staff to support quality instruction.

(3) Addresses current and potential issues in a timely manner.

(4) Manages fiscal and physical resources responsibly, efficiently, and effectively.

(5) Protects instructional time by designing and managing operational procedures to maximize learning.

(6) Communicates effectively with both internal and external audiences about the operations of the school.

*d. Family and community.* An educational leader promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources. The administrator:

(1) Engages family and community by promoting shared responsibility for student learning and support of the education system.

(2) Promotes and supports a structure for family and community involvement in the education system.

(3) Facilitates the connections of students and families to the health and social services that support a focus on learning.

**18.5(3)** Completes one year of administrative experience in an Iowa public school and completes the administrator mentoring program while holding an administrator license, or successfully completes two years of administrative experience in a nonpublic or out-of-state school setting.

[ARC 8248B, IAB 11/4/09, effective 10/12/09; ARC 0607C, IAB 2/20/13, effective 3/27/13]

**282—18.6(272) Specific requirements for an administrator prepared out of state.** An applicant seeking Iowa licensure who completes an administrator preparation program from a recognized non-Iowa institution shall verify the requirements of rules 282—18.1(272) and 282—18.4(272) through traditional course-based preparation program and transcript review. A recognized non-Iowa administrator preparation institution is one that is state-approved and is accredited by the regional accrediting agency for the territory in which the institution is located.

**18.6(1) Specific requirements.** A one-year nonrenewable administrator exchange license may be issued to an individual who completes the requirements in paragraphs 18.4(2)“a” through “f” and satisfies the following:

*a.* Has completed a state-approved, regionally accredited administrator preparation program in a college or university approved by the state board of education or the state licensing agency in the individual's preparation state; and

*b.* Has the recommendation for the specific license and endorsement(s) from the designated recommending official at the recognized non-Iowa institution where the preparation was completed; and

*c.* Holds and submits a copy of a valid regular administrator certificate or license in the state in which the preparation was completed, exclusive of a temporary, emergency or substitute license or certificate; and

*d.* Meets the experience requirements for the administrator endorsement(s). Verified successful completion of three years of full-time teaching experience in other states, on a valid license, shall

be considered equivalent experience necessary for the principal endorsement. Verified successful completion of six years of full-time teaching and administrative experience in other states, on a valid license, shall be considered equivalent experience for the superintendent endorsement provided that at least three years were as a teacher and at least three years were as a building principal or other PK-12 districtwide administrator; and

- e.* Is not subject to any pending disciplinary proceedings in any state; and
- f.* Complies with all requirements with regard to application processes and payment of licensure fees.

**18.6(2) Authorization.** Rescinded IAB 2/23/11, effective 3/30/11.

**18.6(3) Conversion.** Rescinded IAB 2/23/11, effective 3/30/11.

[ARC 8141B, IAB 9/9/09, effective 10/14/09; ARC 9383B, IAB 2/23/11, effective 3/30/11]

## **282—18.7(272) Specific requirements for a Class A license.**

**18.7(1)** A nonrenewable Class A administrator exchange license valid for one year may be issued to an applicant who has completed an administrator preparation program under any one of the following conditions:

- a. Professional core requirements.* The individual has not completed all of the required courses in the professional core, 282—paragraphs 13.18(4)“a” through “j.”
- b. Human relations component.* The individual has not completed an approved human relations component.
- c. Regular administrator certificate or license in the state in which the preparation was completed.* The individual has applied for a regular administrator certificate or license in the state in which the preparation was completed but has not yet received the certificate or license.
- d. Based on evaluator requirement.* The applicant has not completed the approved evaluator training requirement.

**18.7(2)** A nonrenewable Class A license valid for one year may be issued to an applicant based on an expired Iowa professional administrator license.

- a.* The holder of an expired professional administrator license shall be eligible to receive a Class A license upon application. This license shall be endorsed for the type of service authorized by the expired license on which it is based.

- b. Renewal.* The holder of an expired professional administrator license who is currently under contract with an Iowa educational unit (area education agency/local education agency/local school district) and who does not meet the renewal requirements for the administrator license held shall be required to secure the signature of the superintendent or designee before the license will be issued. If the superintendent does not meet the renewal requirements, the superintendent shall be required to secure the signature of the school board president before the license will be issued.

**18.7(3) Authorization.** Each Class A license shall be limited to the area(s) and level(s) of administration as determined by an analysis of the application, the transcripts, and the license or certificate held in the state in which the basic preparation for the administrator license was completed.

**18.7(4) Conversion.** Each applicant receiving the one-year Class A license must complete any identified licensure deficiencies in order to be eligible for an initial administrator license or a professional administrator license in Iowa.

[ARC 9384B, IAB 2/23/11, effective 3/30/11; ARC 9453B, IAB 4/6/11, effective 5/11/11; ARC 0564C, IAB 1/23/13, effective 2/27/13]

## **282—18.8(272) Specific requirements for a Class B license.** A nonrenewable Class B license valid for two years may be issued to an individual under the following conditions:

**18.8(1) Endorsement in progress.** The individual has a valid Iowa teaching license but is seeking to obtain an administrator endorsement. A Class B license may be issued if requested by an employer and the individual seeking this endorsement has completed at least 75 percent of the requirements leading to completion of all requirements for this endorsement.

**18.8(2) Experience requirement.**

- a. Principal endorsement.* For the principal endorsement, three years of teaching experience must have been met before application for the Class B license.

*b. Superintendent endorsement.* For the superintendent endorsement, three years of teaching experience and three years as a building principal or other PK-12 districtwide or intermediate agency experience are acceptable for becoming a superintendent, and must have been met before application for the Class B license.

**18.8(3) Request for exception.** Rescinded IAB 2/23/11, effective 3/30/11.  
[ARC 9385B, IAB 2/23/11, effective 3/30/11]

**282—18.9(272) Area and grade levels of administrator endorsements.**

**18.9(1) PK-12 principal and PK-12 supervisor of special education.**

*a. Authorization.* The holder of this endorsement is authorized to serve as a principal of programs serving children from birth through grade twelve, a supervisor of instructional special education programs for children from birth to the age of 21, and a supervisor of support for special education programs for children from birth to the age of 21 (and to a maximum allowable age in accordance with Iowa Code section 256B.8).

*b. Program requirements.*

(1) Degree—master's.

(2) Content: Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements.

1. Knowledge of early childhood, elementary, early adolescent and secondary level administration, supervision, and evaluation.

2. Knowledge and skill related to early childhood, elementary, early adolescent and secondary level curriculum development.

3. Knowledge of child growth and development from birth through adolescence and developmentally appropriate strategies and practices of early childhood, elementary, and adolescence, to include an observation practicum.

4. Knowledge of family support systems, factors which place families at risk, child care issues, and home-school community relationships and interactions designed to promote parent education, family involvement, and interagency collaboration.

5. Knowledge of school law and legislative and public policy issues affecting children and families.

6. Completion of evaluator training component.

7. Knowledge of current issues in special education administration.

8. Planned field experiences in elementary and secondary school administration, including special education administration.

(3) Competencies: Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements. A school administrator is an educational leader who promotes the success of all students by accomplishing the following competencies.

1. Facilitates the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.

2. Advocates, nurtures, and sustains a school culture and instructional program conducive to student learning and staff professional growth.

3. Ensures management of the organization, operations, and resources for a safe, efficient, and effective learning environment.

4. Collaborates with families and community members, responds to diverse community interests and needs, and mobilizes community resources.

5. Acts with integrity, fairness, and in an ethical manner.

6. Understands, responds to, and influences the larger political, social, economic, legal, and cultural context.

*c. Other.*

(1) The applicant must have had three years of teaching experience at the early childhood through grade twelve level.

(2) Graduates from out-of-state institutions who are seeking initial Iowa licensure and the PK-12 principal and PK-12 supervisor of special education endorsement must meet the requirements for the standard license in addition to the experience requirements.

**18.9(2) PK-8 principal—out-of-state applicants.** This endorsement is only for applicants from out-of-state institutions.

*a. Authorization.* The holder of this endorsement is authorized to serve as a principal of programs serving children from birth through grade eight.

*b. Program requirements.*

(1) Degree—master's.

(2) Content: Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements.

1. Knowledge of early childhood, elementary, and early adolescent level administration, supervision, and evaluation.

2. Knowledge and skill related to early childhood, elementary, and early adolescent level curriculum development.

3. Knowledge of child growth and development from birth through early adolescence and developmentally appropriate strategies and practices of early childhood, elementary, and early adolescence, to include an observation practicum.

4. Knowledge of family support systems, factors which place families at risk, child care issues, and home-school community relationships and interactions designed to promote parent education, family involvement, and interagency collaboration.

5. Knowledge of school law and legislative and public policy issues affecting children and families.

6. Planned field experiences in early childhood and elementary or early adolescent school administration.

7. Completion of evaluator training component.

(3) Competencies: Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements. A school administrator is an educational leader who promotes the success of all students by accomplishing the following competencies.

1. Facilitates the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.

2. Advocates, nurtures, and sustains a school culture and instructional program conducive to student learning and staff professional growth.

3. Ensures management of the organization, operations, and resources for a safe, efficient, and effective learning environment.

4. Collaborates with families and community members, responds to diverse community interests and needs, and mobilizes community resources.

5. Acts with integrity, fairness, and in an ethical manner.

6. Understands, responds to, and influences the larger political, social, economic, legal, and cultural context.

*c. Other.* The applicant must have had three years of teaching experience at the early childhood through grade eight level.

**18.9(3) 5-12 principal—out-of-state applicants.** This endorsement is only for applicants from out-of-state institutions.

*a. Authorization.* The holder of this endorsement is authorized to serve as a principal in grades five through twelve.

*b. Program requirements.*

(1) Degree—master's.

(2) Content: Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements.

1. Knowledge of early adolescent and secondary level administration, supervision, and evaluation.

2. Knowledge and skill related to early adolescent and secondary level curriculum development.

3. Knowledge of human growth and development from early adolescence through early adulthood, to include an observation practicum.

4. Knowledge of family support systems, factors which place families at risk, and home-school community relationships and interactions designed to promote parent education, family involvement, and interagency collaboration.

5. Knowledge of school law and legislative and public policy issues affecting children and families.

6. Planned field experiences in early adolescence or secondary school administration.

7. Completion of evaluator training component.

(3) Competencies: Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements. A school administrator is an educational leader who promotes the success of all students by accomplishing the following competencies.

1. Facilitates the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.

2. Advocates, nurtures, and sustains a school culture and instructional program conducive to student learning and staff professional growth.

3. Ensures management of the organization, operations, and resources for a safe, efficient, and effective learning environment.

4. Collaborates with families and community members, responds to diverse community interests and needs, and mobilizes community resources.

5. Acts with integrity, fairness, and in an ethical manner.

6. Understands, responds to, and influences the larger political, social, economic, legal, and cultural context.

c. *Other.* The applicant must have had three years of teaching experience at the secondary level (5-12).

## **282—18.10(272) Superintendent/AEA administrator.**

**18.10(1) Authorization.** The holder of this endorsement is authorized to serve as a superintendent from the prekindergarten level through grade twelve or as an AEA administrator. NOTE: This authorization does not permit general teaching, school service, or administration at any level except that level or area for which the practitioner holds the specific endorsement(s).

### **18.10(2) Program requirements.**

a. Degree—specialist (or its equivalent: A master's degree plus at least 30 semester hours of planned graduate study in administration beyond the master's degree).

b. Content. Through completion of a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements, the administrator has knowledge and understanding of:

(1) Models, theories, and practices that provide the basis for leading educational systems toward improving student performance.

(2) Federal, state and local fiscal policies related to education.

(3) Human resources management, including recruitment, personnel assistance and development, evaluation and negotiations.

(4) Current legal issues in general and special education.

(5) Noninstructional support services management including but not limited to transportation, nutrition and facilities.

c. Practicum in PK-12 school administration. In the coursework and the practicum, the administrator facilitates processes and engages in activities for:

(1) Developing a shared vision of learning through articulation, implementation, and stewardship.

(2) Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth.

(3) Ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment.

(4) Collaborating with school staff, families, community members and boards of directors; responding to diverse community interests and needs; and mobilizing community resources.

(5) Acting with integrity, fairness, and in an ethical manner.

(6) Understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

**18.10(3) *Administrative experience.***

a. The applicant must have had three years of experience as a building principal.

b. Other administrative experience. PK-12 or area education agency administrative experience is acceptable if the applicant acquires the three years' experience while holding a valid administrator license.

[ARC 8248B, IAB 11/4/09, effective 10/12/09]

**282—18.11(272) Director of special education of an area education agency.**

**18.11(1) *Authorization.*** The holder of this endorsement is authorized to serve as a director of special education of an area education agency. Assistant directors are also required to hold this endorsement.

**18.11(2) *Program requirements.***

a. *Degree—specialist or its equivalent.* An applicant must hold a master's degree plus at least 32 semester hours of planned graduate study in administration or special education beyond the master's degree.

b. *Endorsement.* An applicant must hold or meet the requirements for one of the following:

(1) PK-12 principal and PK-12 supervisor of special education (see rule 282—18.9(272));

(2) Supervisor of special education—instructional (see rule 282—15.5(272));

(3) Professional service administrator (see 282—subrule 27.3(5)); or

(4) A letter of authorization for special education supervisor issued prior to October 1, 1988.

c. *Content.* An applicant must have completed a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements to include the following:

(1) Knowledge of federal, state and local fiscal policies related to education.

(2) Knowledge of school plant/facility planning.

(3) Knowledge of human resources management, including recruitment, personnel assistance and development, evaluations and negotiations.

(4) Knowledge of models, theories and philosophies that provide the basis for educational systems.

(5) Knowledge of current issues in special education.

(6) Knowledge of special education school law and legislative and public policy issues affecting children and families.

(7) Knowledge of the powers and duties of the director of special education of an area education agency as delineated in Iowa Code section 273.5.

(8) Practicum in administration and supervision of special education programs.

d. *Experience.* An applicant must have three years of administrative experience as a PK-12 principal or PK-12 supervisor of special education.

e. *Competencies.* Through completion of a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements, the director of special education accomplishes the following:

(1) Facilitates the development, articulation, implementation and stewardship of a vision of learning that is shared and supported by the school community.

(2) Advocates, nurtures and sustains a school culture and instructional program conducive to student learning and staff professional growth.

(3) Ensures management of the organization, operations and resources for a safe, efficient and effective learning environment.

(4) Collaborates with educational staff, families and community members; responds to diverse community interests and needs; and mobilizes community resources.

(5) Acts with integrity and fairness and in an ethical manner.

(6) Understands, responds to, and influences the larger political, social, economic, legal, and cultural context.

(7) Collaborates and assists in supporting integrated work of the entire agency.

**18.11(3) Other.**

*a. Option 1: Instructional.* An applicant must meet the requirements for one special education teaching endorsement and have three years of teaching experience in special education.

*b. Option 2: Support.* An applicant must meet the practitioner licensure requirements for one of the following endorsements and have three years of experience as a:

- (1) School audiologist;
- (2) School psychologist;
- (3) School social worker; or
- (4) Speech-language pathologist.

NOTE: An individual holding a statement of professional recognition is not eligible for the director of special education of an area education agency endorsement.

[ARC 9075B, IAB 9/8/10, effective 10/13/10]

**282—18.12 and 18.13** Reserved.

**282—18.14(272) Endorsements.**

**18.14(1)** After the issuance of an administrator license, an individual may add other administrator endorsements to that license upon proper application, provided current requirements for that endorsement, as listed in rules 282—18.9(272) through 282—18.11(272), have been met. An updated license with expiration date unchanged from the original or renewed license will be prepared.

**18.14(2)** The applicant must follow one of these options:

- a.* Identify with a recognized Iowa administrator preparing institution, meet that institution's current requirements for the endorsement desired, and receive that institution's recommendation; or
- b.* Identify with a recognized non-Iowa administrator preparation institution and receive a statement that the applicant has completed the equivalent of the institution's approved program for the endorsement sought.

**282—18.15(272) Licenses—issue dates, corrections, duplicates, and fraud.**

**18.15(1)** *Issue date on original license.* A license is valid only from and after the date of issuance.

**18.15(2)** *Correcting licenses.* If a licensee notifies board staff of a typographical or clerical error on the license within 30 days of the date of the board's mailing of a license, a corrected license shall be issued without charge to the licensee. If notification of a typographical or clerical error is made more than 30 days after the date of the board's mailing of a license, a corrected license shall be issued upon receipt of the fee for issuance of a duplicate license. For purposes of this rule, typographical or clerical errors include misspellings, errors in the expiration date of a license, errors in the type of license issued, and the omission or misidentification of the endorsements for which application was made. A licensee requesting the addition of an endorsement not included on the initial application must submit a new application and the appropriate application fee.

**18.15(3)** *Duplicate licenses.* Upon application and payment of the fee set out in 282—Chapter 12, a duplicate license shall be issued.

**18.15(4)** *Fraud in procurement or renewal of licenses.* Fraud in procurement or renewal of a license or falsifying records for licensure purposes will constitute grounds for filing a complaint with the board of educational examiners.

These rules are intended to implement Iowa Code chapter 272.

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[Filed ARC 0607C (Notice ARC 0493C, IAB 12/12/12), IAB 2/20/13, effective 3/27/13]

CHAPTER 19  
EVALUATOR ENDORSEMENT AND LICENSE  
[Prior to 1/14/09, see Educational Examiners Board[282] Ch 20]

These rules are to accompany rule 281—83.5(284), Evaluator Approval Training, adopted by the department of education.

**282—19.1(272) Evaluator endorsement and license.** This endorsement or this license authorizes services as required by Iowa Code section 284.10.

**282—19.2(272) Initial evaluator endorsement.** To obtain this authorization as an endorsement on an administrator, evaluator, or teaching license, an applicant must complete the requirements as specified in 281—83.5(284).

**282—19.3(272) Evaluator endorsement.** The requirements for the evaluator endorsement shall be included in each program leading to administrator licensure and administrator endorsements in Iowa colleges and universities approved to offer these programs.

**282—19.4(272) Applicants for administrator licensure.** Each applicant for an initial administrator license shall have completed the evaluator endorsement requirements.

**282—19.5(272) Evaluator license.** Applicants may apply for the five-year evaluator license upon completion of the evaluator training required in Iowa Code section 284.10.

**282—19.6(272) Out-of-state applicants.** An out-of-state applicant who seeks an administrator license after July 1, 2003, will be granted a Class A administrator exchange license valid for one year in order to complete the evaluator endorsement requirements. The Class A administrator exchange license is valid for one year and is nonrenewable. The requirements for the evaluator endorsement must be met before the issuance of the initial or professional administrator license.  
[ARC 0608C, IAB 2/20/13, effective 3/27/13]

**282—19.7(272) Renewal of administrator licenses.**

**19.7(1)** Each applicant for renewal of an administrator license shall have completed the evaluator endorsement requirements. A waiver of this requirement may apply if a person submits appropriate documentation of either of the following:

- a.* A person is engaged in active duty in the military service of this state or of the United States.
- b.* A person is practicing as a licensed professional educator outside this state.

**19.7(2)** Extension of an administrator license:

- a.* May be granted to an applicant who has not completed the new evaluator renewal training course before the expiration date on the applicant's license; and
- b.* May be granted for a one-year period.

[ARC 0451C, IAB 11/14/12, effective 12/19/12]

**282—19.8(272) Renewal of evaluator endorsement or license.** Coursework for renewal of the evaluator license or the license with the evaluator endorsement must complement the initial requirements. This coursework, approved by the Iowa department of education, must be completed for at least one semester hour of college or university credit or for at least one renewal unit from an approved Iowa staff development program.

**19.8(1) Child and dependent adult abuse training.** All applicants renewing an evaluator license must submit documentation of completion of the child and dependent adult abuse training approved by the state abuse education review panel. A waiver of this requirement may apply if a person submits appropriate documentation of any of the following:

- a.* A person is engaged in active duty in the military service of this state or of the United States.

b. The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.

c. A person is practicing a licensed profession outside this state.

d. A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.

**19.8(2) Conversion.** An individual holding the evaluator license may convert this license to an endorsement at the time of renewal. The fee for this conversion process will equal the fee for license renewal. The endorsement will be placed on the administrator or teaching license.

**282—19.9(272) Holder of permanent professional certificate.** The holder of the permanent professional certificate with an administrator endorsement must hold a valid evaluator license if the person serves as an administrator who evaluates licensed personnel. The holder of the permanent professional certificate with an administrator endorsement cannot use the option in subrule 19.8(2).

**282—19.10(272) Licenses—issue dates, corrections, duplicates, and fraud.**

**19.10(1) Issue date on original license.** A license is valid only from and after the date of issuance.

**19.10(2) Correcting licenses.** If a licensee notifies board staff of a typographical or clerical error on the license within 30 days of the date of the board's mailing of a license, a corrected license shall be issued without charge to the licensee. If notification of a typographical or clerical error is made more than 30 days after the date of the board's mailing of a license, a corrected license shall be issued upon receipt of the fee for issuance of a duplicate license. For purposes of this rule, typographical or clerical errors include misspellings, errors in the expiration date of a license, errors in the type of license issued, and the omission or misidentification of the endorsements for which application was made. A licensee requesting the addition of an endorsement not included on the initial application must submit a new application and the appropriate application fee.

**19.10(3) Duplicate licenses.** Upon application and payment of the fee set out in 282—Chapter 12, a duplicate license shall be issued.

**19.10(4) Fraud in procurement or renewal of licenses.** Fraud in procurement or renewal of a license or falsifying records for licensure purposes will constitute grounds for filing a complaint with the board of educational examiners.

These rules are intended to implement Iowa Code chapter 272.

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## CHAPTER 17 COMPLIANCE AND ENFORCEMENT PROCEDURES

**567—17.1(455B) Scope.** Prior to the initiation of administrative penalties pursuant to 567—Chapter 10, the department may consider other compliance and enforcement activities. This chapter sets out the possible compliance and enforcement procedures that the department may consider and utilize.

[ARC 0594C, IAB 2/6/13, effective 3/13/13]

**567—17.2(455B) Basis.** While serious violations of rules, regulations and permits may result in administrative penalties, many activities by regulated entities may not rise to the level of requiring such formal enforcement action. In some instances, development of additional facts is appropriate, and in other instances, notification of the nature of the violation with an opportunity to correct the violation may be sufficient. The following compliance and enforcement procedures are available to the department and may be considered in those instances where it is necessary for the department to undertake a compliance or enforcement initiative:

**17.2(1) *Informal meeting.*** Department staff may attempt to resolve a potential violation or obtain additional information with an informal meeting. This meeting may be at the facility where the inspection took place. The discussion will usually focus on corrective actions to be taken, and in most instances, only department staff and the facility representative are present.

**17.2(2) *Letter of inquiry (LOI).*** If an informal meeting is not practical or is insufficient, the department may issue a letter of inquiry (LOI). The purpose of the LOI is to allow the regulated entity the opportunity to provide information that would be helpful for a determination of whether a violation has occurred. The letter should be labeled “Letter of Inquiry” and should, to the extent possible, seek specific information that will aid in the enforcement review.

**17.2(3) *Letter of noncompliance (LNC).*** If the information available to the department indicates a violation has taken place, the department may issue a letter of noncompliance (LNC). This letter is used to address violations of a less significant nature, such as a single incident of late reporting. An LNC will most often be used when no environmental harm or threat to human health or safety has occurred or is imminent, the regulated entity is not a repeat offender, the corrective action is not deemed an emergency, or the violation is considered insignificant. The letter is similar to a notice of violation but is captioned “Letter of Noncompliance” and is intended to provide the regulated entity with an opportunity to correct the identified deficiencies prior to further enforcement activity. In the LNC, the department also may suggest remedial measures and set a date for returning to compliance. The department will usually request a response from the regulated entity within a specific time period as to how the identified problems will be resolved. The LNC will typically be followed by a notice of violation if the regulated entity does not respond.

**17.2(4) *Notice of violation (NOV).*** When the other compliance and enforcement activities described in this chapter are not appropriate for the violation, or when the regulated entity has not returned to compliance, the department may issue a notice of violation (NOV). An NOV will most often be used when environmental harm or a threat to human health or safety has occurred or is imminent, the regulated entity is a repeat offender, the corrective action is deemed an emergency, or the violation is considered significant. The NOV identifies the nature of the violation and any corrective action being required of the regulated entity.

[ARC 0594C, IAB 2/6/13, effective 3/13/13]

**567—17.3(455B) Option to respond.** Upon receiving a written inquiry, letter, or notice from the department as described in this chapter, the regulated entity has the option to respond to the department even if a response is not specifically requested. A letter of noncompliance (LNC) or notice of violation (NOV) will typically suggest a written response and corrective action from the regulated entity within a specified time period. In responding to an LNC or NOV, the regulated entity should, as appropriate, clearly outline any disagreements with the department’s LNC or NOV, provide any pertinent additional information, describe any current or planned corrective action, and provide a schedule for returning to compliance. The department will review written information submitted in response to the compliance

and enforcement procedures described in this chapter and will include this information in the file of record. Nothing in this chapter adds to or takes away from the appeal rights provided in Iowa Code chapter 17A.

[ARC 0594C, IAB 2/6/13, effective 3/13/13]

**567—17.4(455B) Department discretion.** At the department's sole discretion, the department may follow the compliance and enforcement procedures described in this chapter, commence with an LNC or NOV, or forego these options and commence with an administrative action (567—Chapter 10), or the department may request referral to the attorney general. The procedures in this chapter are intended to inform the regulated community of possible forms of compliance and enforcement procedures available to the department.

[ARC 0594C, IAB 2/6/13, effective 3/13/13]

These rules are intended to implement Iowa Code section 455B.105.

[Filed ARC 0594C (Notice ARC 0051C, IAB 3/21/12; Amended Notice ARC 0126C, IAB 5/16/12;  
Amended Notice ARC 0182C, IAB 6/27/12), IAB 2/6/13, effective 3/13/13]

[Editorial change: IAC Supplement 2/20/13<sup>1</sup>]

<sup>1</sup> History line corrected.

## **HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION[605]**

[Prior to 12/23/92, see Disaster Services Division[607]; renamed Emergency Management Division by  
1992 Iowa Acts, chapter 1139, section 21]

[Prior to 3/31/04, see Emergency Management Division[605]; renamed Homeland Security and Emergency Management  
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## CHAPTER 10 ENHANCED 911 TELEPHONE SYSTEMS

[Prior to 4/18/90, see Public Defense[601]Ch 10]

[Prior to 5/12/93, Disaster Services Division[607]Ch 10]

**605—10.1(34A) Program description.** The purpose of this program is to provide for the orderly development, installation, and operation of enhanced 911 emergency telephone systems and to provide a mechanism for the funding of these systems, either in whole or in part. These systems shall be operated under governmental management and control for the public benefit. These rules shall apply to each joint E911 service board or alternative 28E entity as provided in Iowa Code chapter 34A and to each provider of enhanced 911 service.

**605—10.2(34A) Definitions.** As used in this chapter, unless context otherwise requires:

*“Access line”* means an exchange access line that has the ability to access dial tone and reach a public safety answering point.

*“Administrator,”* unless otherwise noted, means the administrator of the homeland security and emergency management division of the department of public defense.

*“Automatic location identification (ALI)”* means a system capability that enables an automatic display of information defining a geographical location of the telephone used to place the 911 call.

*“Automatic number identification (ANI)”* means a capability that enables the automatic display of the number of the telephone used to place the 911 call.

*“Call attendant”* means the person who initially answers a 911 call.

*“Call detail recording”* means a means of establishing chronological and operational accountability for each 911 call processed, consisting minimally of the caller’s telephone number, the date and time the 911 telephone equipment established initial connection (trunk seizure), the time the call was answered, the time the call was transferred (if applicable), the time the call was disconnected, the trunk line used, and the identity of the call attendant’s position, also known as an ANI printout.

*“Call relay method”* means the 911 call is answered at the PSAP, where the pertinent information is gathered, and the call attendant relays the caller’s information to the appropriate public or private safety agency for further action.

*“Call transfer method”* means the call attendant determines the appropriate responding agency and transfers the 911 caller to that agency.

*“Central office (CO)”* means a telephone company facility that houses the switching and trunking equipment serving telephones in a defined area.

*“Coin-free access (CFA)”* means coin-free dialing or no-coin dial tone which enables a caller to dial 911 or “0” for operator without depositing money or incurring a charge.

*“Communications service”* means a service capable of accessing, connecting with, or interfacing with a 911 system by dialing, initializing, or otherwise activating the system exclusively through the digits 911 by means of a local telephone device or wireless communications device.

*“Communications service provider”* means a service provider, public or private, that transports information electronically via landline, wireless, internet, cable, or satellite, including but not limited to wireless communications service providers, personal communications service, telematics and voice over internet protocol.

*“Competitive local exchange service provider”* means the same as defined in Iowa Code section 476.96.

*“Conference transfer”* means the capability of transferring a 911 call to the action agency and allowing the call attendant to monitor or participate in the call after it has been transferred to the action agency.

*“Direct dispatch method”* means 911 call answering and radio-dispatching functions, for a particular agency, are both performed at the PSAP.

*“E911 communications council”* means the council as established under the provisions of Iowa Code section 34A.15.

*“E911 program manager”* means that person appointed by the administrator of the homeland security and emergency management division, and working with the E911 communications council, to perform the duties specifically set forth in Iowa Code chapter 34A and this chapter.

*“Emergency call”* means a telephone request for service which requires immediate action to prevent loss of life, reduce bodily injury, prevent or reduce loss of property and respond to other emergency situations determined by local policy.

*“Enhanced 911 (E911)”* means the general term referring to emergency telephone systems with specific electronically controlled features, such as ALI, ANI, and selective routing.

*“Enhanced 911 (E911) operating authority”* means the public entity, which operates an E911 telephone system for the public benefit, within a defined enhanced 911 service area.

*“Enhanced 911 (E911) service area”* means the geographic area to be served, or currently served under an enhanced 911 service plan, provided that any enhanced 911 service area shall at a minimum encompass one entire county. The enhanced 911 service area may encompass more than one county and need not be restricted to county boundaries. This definition applies only to wire-line enhanced 911 service.

*“Enhanced 911 (E911) service plan (wire-line)”* means a plan, produced by a joint E911 service board, which includes the information required by Iowa Code subsection 34A.2(7).

*“Enhanced 911 service surcharge”* means a charge set by the joint E911 service board, approved by local referendum, and assessed on each access line which physically terminates within the E911 service area.

*“Enhanced wireless 911 service area”* means the geographic area to be served, or currently served, by a PSAP under an enhanced wireless 911 service plan.

*“Enhanced wireless 911 service, phase I”* means an emergency wireless telephone system with specific electronically controlled features such as ANI, specific indication of wireless communications tower site location, selective routing by geographic location of the tower site.

*“Enhanced wireless 911 service, phase II”* means an emergency wireless telephone system with specific electronically controlled features such as ANI and ALI and selective routing by geographic location of the 911 caller.

*“Exchange”* means a defined geographic area served by one or more central offices in which the telephone company furnishes services.

*“Implementation”* means the activity between formal approval of an E911 service plan and a given system design, and commencement of operations.

*“Joint E911 service board”* means those entities created under the provisions of Iowa Code section 34A.3, which include the legal entities created pursuant to Iowa Code chapter 28E referenced in Iowa Code subsection 34A.3(3).

*“Local exchange carrier”* means the same as defined in Iowa Code section 476.96.

*“911 call”* means any telephone call that is made by dialing the digits 911.

*“911 system”* means a telephone system that automatically connects a caller, dialing the digits 911, to a PSAP.

*“Nonrecurring costs”* means one-time charges incurred by a joint E911 service board or operating authority including, but not limited to, expenditures for E911 service plan preparation, surcharge referendum, capital outlay, installation, and initial license to use subscriber names, addresses and telephone information.

*“One-button transfer”* means another term for a (fixed) transfer which allows the call attendant to transfer an incoming call by pressing a single button. For example, one button would transfer voice and data to a fire agency, and another button would be used for police, also known as “selective transfer.”

*“Political subdivision”* means a geographic or territorial division of the state that would have the following characteristics: defined geographic area, responsibilities for certain functions of local government, public elections and public officers, and taxing power. Excluded from this definition are departments and divisions of state government and agencies of the federal government.

*“Prepaid wireless telecommunications service”* means a wireless communications service that provides the right to utilize mobile wireless service as well as other nontelecommunications services,

including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance, and that is sold in predetermined units or dollars of which the amount declines with use in a known amount.

*“Provider”* means a person, company or other business that provides, or offers to provide, 911 equipment, installation, maintenance, or access services.

*“Public or private safety agency”* means a unit of state or local government, a special purpose district, or a private firm, which provides or has the authority to provide firefighting, police, ambulance, emergency medical services or hazardous materials response.

*“Public safety answering point (PSAP)”* means a 24-hour, state, local, or contracted communications facility, which has been designated by the local service board to receive 911 service calls and dispatch emergency response services in accordance with the E911 service plan.

*“Public switched telephone network”* means a complex of diversified channels and equipment that automatically routes communications between the calling person and called person or data equipment.

*“Recurring costs”* means repetitive charges incurred by a joint E911 service board or operating authority including, but not limited to, database management and personnel directly associated with addressing, lease of access lines, lease of equipment, network access fees, and applicable maintenance costs.

*“Selective routing (SR)”* means an enhanced 911 system feature that enables all 911 calls originating from within a defined geographical region to be answered at a predesignated PSAP.

*“Subscriber”* means any person, firm, association, corporation, agencies of federal, state and local government, or other legal entity responsible by law for payment for communication service from the telephone utility.

*“Tariff”* means a document filed by a telephone company with the state telephone utility regulatory commission which lists the communication services offered by the company and gives a schedule for rates and charges.

*“Telecommunications device for the deaf (TDD)”* means any type of instrument, such as a typewriter keyboard connected to the caller’s telephone and involving special equipment at the PSAP which allows an emergency call to be made without speaking, also known as a TTY.

*“Telematics”* means a vehicle-based mobile data application which can automatically call for assistance if the vehicle is in an accident.

*“Trunk”* means a circuit used for connecting a subscriber to the public switched telephone network.

*“Voice over internet protocol”* means a technology used to transmit voice conversations over a data network such as a computer network or internet.

*“Wireless communications service”* means commercial mobile radio service. “Wireless communications service” includes any wireless two-way communications used in cellular telephone service, personal communications service, or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communications service, or a network access line. “Wireless communications service” does not include a service whose customers do not have access to 911 or 911-like service, a communications channel utilized only for data transmission, or a private telecommunications system.

*“Wireless communications service provider”* means a company that offers wireless communications service to users of wireless devices including but not limited to cellular, personal communications services, mobile satellite services, and enhanced specialized mobile radio.

*“Wireless communications surcharge”* means a surcharge of up to 65 cents imposed on each wireless communications service number provided in this state and collected as part of a wireless communications service provider’s monthly billing to a subscriber.

*“Wireless E911 phase 1”* means a 911 call made from a wireless device in which the wireless service provider delivers the call-back number and the address of the tower that received the call to the appropriate public safety answering point.

*“Wireless E911 phase 2”* means a 911 call made from a wireless device in which the wireless service provider delivers the call-back number and the latitude and longitude coordinates of the wireless device to the appropriate public safety answering point.

*“Wire-line E911 service surcharge”* means a charge set by the E911 service operating authority and assessed on each wire-line access line which physically terminates within the E911 service area in accordance with Iowa Code section 34A.7.

[ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 0602C, IAB 2/20/13, effective 3/27/13]

**605—10.3(34A) Joint E911 service boards.** Each county board of supervisors shall establish a joint E911 service board.

**10.3(1) Membership.**

*a.* Each political subdivision of the state, having a public safety agency serving territory within the county E911 service area, is entitled to one voting membership. For the purposes of this paragraph, a township that operates a volunteer fire department providing fire protection services to the township, or a city that provides fire protection services through the operation of a volunteer fire department not financed through the operation of city government, shall be considered a political subdivision of the state having a public safety agency serving territory within the county.

*b.* Each private safety agency, such as privately owned ambulance services, airport security agencies, and private fire companies, serving territory within the county E911 service area, is entitled to a nonvoting membership on the board.

*c.* Public and private safety agencies headquartered outside but operating within a county E911 service area are entitled to membership according to their status as a public or private safety agency.

*d.* A political subdivision that does not operate its own public safety agency but contracts for the provision of public safety services is not entitled to membership on the joint E911 service board. However, its contractor is entitled to one voting membership according to the contractor’s status as a public or private safety agency.

*e.* The joint E911 service board elects a chairperson and vice chairperson.

*f.* The joint E911 service board shall annually submit a listing of members, to include the political subdivision they represent and, if applicable, the associated 28E agreement, to the E911 program manager. A copy of the list shall be submitted within 30 days of adoption of the operating budget for the ensuing fiscal year and shall be on the prescribed form provided by the E911 program manager.

**10.3(2) Alternate 28E entity.** The joint E911 service board may organize as an Iowa Code chapter 28E agency as authorized in Iowa Code subsection 34A.3(3), provided that the 28E entity meets the voting and membership requirements of Iowa Code subsection 34A.3(1).

**10.3(3) Joint E911 service board bylaws.** Each joint E911 service board shall develop bylaws to specify, at a minimum, the following information:

- a.* The name of the joint E911 service board.
  - b.* A list of voting and nonvoting members.
  - c.* The date for the commencement of operations.
  - d.* The mission.
  - e.* The powers and duties.
  - f.* The manner for financing activities and maintaining a budget.
  - g.* The manner for acquiring, holding and disposing of property.
  - h.* The manner for electing or appointing officers and terms of office.
  - i.* The manner by which members may vote to include, if applicable, the manner by which votes may be weighted.
  - j.* The manner for appointing, hiring, disciplining, and terminating employees.
  - k.* The rules for conducting meetings.
  - l.* The permissible method or methods to be employed in accomplishing the partial or complete termination of the board and the disposing of property upon such complete or partial termination.
  - m.* Any other necessary and proper rules or procedures.
- Each member shall sign the adopted bylaws.

The joint E911 service board shall record the signed bylaws with the county recorder and shall forward a copy of the signed bylaws to the E911 program administrator at the state homeland security and emergency management division.

**10.3(4) *Executive board.*** The joint E911 service board may, through its bylaws, establish an executive board to conduct the business of the joint E911 service board. The executive board will have such other duties and responsibilities as assigned by the joint E911 service board.

**10.3(5) *Meetings.***

*a.* The provisions of Iowa Code chapter 21, “Official Meetings Open to the Public,” are applicable to joint E911 service boards.

*b.* Joint E911 service boards shall conduct meetings in accordance with their established bylaws and applicable state law.

[ARC 7695B, IAB 4/8/09, effective 5/13/09; ARC 8314B, IAB 11/18/09, effective 12/23/09]

**605—10.4(34A) Enhanced 911 service plan (wire-line).**

**10.4(1)** The joint E911 service board shall be responsible for developing an E911 service plan as required by Iowa Code section 34A.3 and as set forth in these rules. The plan will remain the property of the joint E911 service board. Each joint E911 service board shall coordinate planning with each contiguous joint E911 service board. A copy of the plan and any modifications and addenda shall be submitted to:

- a.* The state homeland security and emergency management division.
- b.* All public and private safety agencies serving the E911 service area.
- c.* All providers affected by the E911 service plan.

**10.4(2)** The E911 service plan shall, at a minimum, encompass the entire county, unless a waiver is granted by the administrator. Each plan shall include:

- a.* The mailing address of the joint E911 service board.
- b.* A list of voting members on the joint E911 service board.
- c.* A list of nonvoting members on the joint E911 service board.
- d.* The name of the chairperson and vice chairperson of the joint E911 service board.
- e.* A geographical description of the enhanced 911 service area.
- f.* A list of all public and private safety agencies within the E911 service area.
- g.* The number of public safety answering points within the E911 service area.
- h.* Identification of the agency responsible for management and supervision of the E911 emergency telephone communication system.
- i.* A statement of estimated charges to be incurred by the joint E911 service board, including separate estimates of recurring and nonrecurring charges. These charges shall be limited to charges directly attributable to the provision of E911 service. The charges shall include the following:
  - (1) Item(s) or unit(s) of measurement, or both, and the associated tariff prices applicable in the development of the charges.
  - (2) Where tariff prices are not available, work papers showing the development of the charges by item(s)/unit(s) shall be included.
  - (3) Charges shall be justified as being attributable to the provision of E911 telephone communication service.
- j.* Information from communications service providers detailing the current equipment operated by the provider to provide telephone service and additional central office equipment or technology upgrades, or both, necessary to implement E911 service.
- k.* The total number of telephone access lines by telephone company or companies having points of presence within the E911 service area and the number of this total that is exempt from surcharge collection as provided in rule 605—10.9(34A) and Iowa Code subsection 34A.7(3).
- l.* The estimated number of pay telephones within the E911 service area.
- m.* If applicable, a schedule for implementation of the plan throughout the E911 service area. A joint E911 service board may decide not to implement E911 service.
- n.* The total property valuation in the E911 service area.
- o.* Maps of the E911 service area showing:
  - (1) The jurisdictional boundaries of all law enforcement agencies serving the area.
  - (2) The jurisdictional boundaries of all firefighting districts and companies serving the area.

(3) The jurisdictional boundaries of all ambulance and emergency medical service providers operating in the area.

(4) Telephone exchange boundaries and the location of telephone company central offices, including those located outside but serving the service area.

(5) The location of PSAP(s) within the service area.

*p.* A block drawing for each telephone central office within the service area showing the method by which the 911 call will be delivered to the PSAP(s).

*q.* A plan to migrate to an internet protocol-enabled next generation network.

**10.4(3)** All plan modifications and addenda shall be filed with, reviewed, and approved by the E911 program manager.

**10.4(4)** The E911 program manager shall base acceptance of the plan upon compliance with the provisions of Iowa Code chapter 34A and the rules herein.

**10.4(5)** The E911 program manager will notify in writing, within 20 days of review, the chairperson of the joint E911 service board of the approval or disapproval of the plan.

*a.* If the plan is disapproved, the joint E911 service board will have 90 days from receipt of notice to submit revisions/addenda.

*b.* Notice for disapproved plans will contain the reasons for disapproval.

*c.* The E911 program manager will notify the chairperson, in writing within 20 days of review, of the approval or disapproval of the revisions.

[ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 0602C, IAB 2/20/13, effective 3/27/13]

**605—10.5(34A) Referendum and wire-line E911 service surcharge.**

**10.5(1)** The surcharge referendum may be initiated only by the joint E911 service board and shall be conducted in accordance with the provisions of Iowa Code sections 34A.6 and 34A.6A and Iowa Administrative Code rule 721—21.810(34A). The surcharge is not a local option tax that can be presented to the voters under Iowa Code chapter 422B.

**10.5(2)** The following information shall be filed with the E911 program manager before the surcharge may be imposed.

*a.* A copy of the “Abstract of Election” (Form 156-K) from each commissioner of elections, in each county or partial county included within the E911 service area, showing passage of the referendum allowing for the imposition of a surcharge for E911 service.

*b.* An E911 service plan for the proposed E911 service area approved by the joint E911 service board.

*c.* A letter signed by the chairperson of the joint E911 service board requesting that the surcharge be imposed within the E911 service area.

**10.5(3)** The E911 program manager shall notify a local communications service provider scheduled to provide exchange access E911 service within an E911 service area that implementation of an E911 service plan has been approved by the joint E911 service board, by the E911 program manager, and by the service area referendum, and that collection of the surcharge is to begin within 60 days. The E911 program manager shall also provide notice to all affected public safety answering points. The 60-day notice to local exchange service providers shall also apply when an adjustment in the wire-line surcharge rate is made.

**10.5(4)** The local communications service provider shall collect the surcharge as a part of its monthly billing to its subscribers. The surcharge shall appear as a single line item on a subscriber’s monthly billing entitled “E911 emergency communications service surcharge.”

**10.5(5)** The local communications service provider may retain 1 percent of the surcharge collected as compensation for the billing and collection of the surcharge. If the compensation is insufficient to fully recover a provider’s costs for the billing and collection of the surcharge, the deficiency shall be included in the provider’s costs for rate-making purposes to the extent it is reasonable and just under Iowa Code section 476.6.

**10.5(6)** The local communications service provider shall remit collected surcharge to the joint E911 service board on a calendar quarter basis within 20 days of the end of the quarter.

**10.5(7)** The joint E911 service board may request, not more than once each quarter, the following information from the local communications service provider:

- a. The identity of the exchange from which the surcharge is collected.
- b. The number of lines to which the surcharge was applied for the quarter.
- c. The number of refusals to pay per exchange, if applicable.
- d. The number of write-offs per exchange, if applicable.
- e. The number of lines exempt per exchange.
- f. The amount retained by the local communications service provider from the 1 percent administrative fee.

Access line counts and surcharge remittances are confidential public records as provided in Iowa Code section 34A.8.

**10.5(8)** Collection for a surcharge shall terminate if E911 service ceases to operate within the respective E911 service area. The E911 program manager for good cause may grant an extension.

a. The administrator shall provide 100 days' prior written notice to the joint E911 service board or the operating authority and to the local communications service provider(s) collecting the fee of the termination of surcharge collection.

b. Individual subscribers within the E911 service area may petition the joint E911 service board or the operating authority for a refund. Petitions shall be filed within one year of termination. Refunds may be prorated and shall be based on funds available and subscriber access lines billed.

c. At the end of one year from the date of termination, any funds not refunded and remaining in the E911 service fund and all interest accumulated shall be retained by the joint E911 service board. However, if the joint E911 service board ceases to operate any E911 service, the balance in the E911 service fund shall be payable to the state homeland security and emergency management division. Moneys received by the division shall be used only to offset the costs for the administration of the E911 program.

[ARC 0602C, IAB 2/20/13, effective 3/27/13]

#### **605—10.6(34A) Waivers, variance request, and right to appeal.**

**10.6(1)** All requests for variances or waivers shall be submitted to the E911 program manager in writing and shall contain the following information:

- a. A description of the variance(s) or waiver(s) being requested.
- b. Supporting information setting forth the reasons the variance or waiver is necessary.
- c. A copy of the resolution or minutes of the joint E911 service board meeting which authorizes the application for a variance or waiver.
- d. The signature of the chairperson of the joint E911 service board.

**10.6(2)** The E911 program manager may grant a variance or waiver based upon the provisions of Iowa Code chapter 34A or other applicable state law.

**10.6(3)** Upon receipt of a request for a variance or waiver, the E911 program manager shall evaluate the request and schedule a review within 20 working days of receipt of the request. Review shall be informal and the petitioner may present materials, documents and testimony in support of the petitioner's request. The E911 program manager shall determine if the request meets the criteria established and shall issue a decision within 20 working days. The E911 program manager shall notify the petitioner, in writing, of the acceptance or rejection of the petition. If the petition is rejected, such notice shall include the reasons for denial.

**605—10.7(34A) Enhanced wireless E911 service plan.** Each joint E911 service board, the department of public safety, the E911 communications council, and wireless service providers shall cooperate with the E911 program manager in preparing an enhanced wireless E911 service plan for statewide implementation of enhanced wireless E911 service.

**10.7(1) Plan specifications.** The enhanced wireless E911 service plan shall include, at a minimum, the following information:

1. Maps showing geographic area to be served by each PSAP receiving enhanced wireless E911 telephone calls.
2. A list of all public and private safety agencies within the enhanced wireless E911 service area.
3. The geographic location of each PSAP receiving enhanced wireless E911 calls and the name of the person responsible for the management of the PSAP.
4. A set of guidelines for determining eligible cost as set forth in Iowa Code section 34A.7A.
5. A schedule for the implementation and maintenance of the next generation 911 systems to provide enhanced wireless 911 phase I and phase II service.

**10.7(2) Adoption by reference.** The “Wireless Enhanced 911 Implementation and Operation Plan,” effective November 1, 2012, and available from the Homeland Security and Emergency Management Division, 7105 NW 70th Avenue, Camp Dodge, Bldg. W-4, Johnston, Iowa, or at the Law Library in the Capitol Building, Des Moines, Iowa, is hereby adopted by reference effective March 27, 2013.

[ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 0602C, IAB 2/20/13, effective 3/27/13]

**605—10.8(34A) Emergency communications service surcharge.**

**10.8(1)** The E911 program manager shall adopt a monthly surcharge of up to 65 cents to be imposed on each wireless communications service number provided in this state. The amount of wireless surcharge to be collected may be adjusted once yearly, but in no case shall the surcharge exceed 65 cents per month, per customer service number. The surcharge shall not be imposed on wire-line-based communications or prepaid wireless telecommunications service.

**10.8(2)** The amount of wireless surcharge to be collected during a fiscal year shall be determined by the administrator’s best estimation of enhanced wireless 911 costs for the ensuing fiscal year. The E911 program manager shall base the estimated cost on information provided by the E911 communications council, wireless service providers, vendors, public safety agencies, joint E911 service boards and any other appropriate parties or agencies involved in the provision or operation of enhanced wireless 911 service. The E911 communications council shall also provide a recommended monthly wireless surcharge for the ensuing fiscal year.

**10.8(3)** The E911 program manager shall order the imposition of surcharge uniformly on a statewide basis and simultaneously on all communications service numbers by giving at least 60 days’ prior notice to wireless carriers to impose a monthly surcharge as part of their periodic billings. The 60-day notice to wireless carriers shall also apply when making an adjustment in the wireless surcharge rate.

**10.8(4)** The wireless surcharge shall be 65 cents per month, per customer service number until changed by rule.

**10.8(5)** The communications service provider shall list the surcharge as a separate line item on the customer’s billing indicating that the surcharge is for E911 emergency telephone service. The communications service provider is entitled to retain 1 percent of any wireless surcharge collected as a fee for collecting the surcharge as part of the subscriber’s periodic billing. The wireless E911 surcharge is not subject to sales or use tax.

**10.8(6)** Surcharge funds shall be remitted on a calendar quarter basis by the close of business on the twentieth day following the end of the quarter with a remittance form as prescribed by the E911 program manager. Providers shall issue their checks or warrants to the Treasurer, State of Iowa, and remit to the E911 Program Manager, Homeland Security and Emergency Management Division, 7105 NW 70th Avenue, Camp Dodge, Bldg. W-4, Johnston, Iowa 50131.

[ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 0602C, IAB 2/20/13, effective 3/27/13]

**605—10.9(34A) E911 emergency communications fund.**

**10.9(1)** Wireless E911 surcharge money, collected and remitted by wireless service providers, shall be placed in a fund within the state treasury under the control of the administrator.

**10.9(2)** Iowa Code section 8.33 shall not apply to moneys in the fund. Moneys earned as income, including as interest, from the fund shall remain in the fund until expended as provided in this subrule. However, moneys in the fund may be combined with other moneys in the state treasury for purposes of investment.

**10.9(3)** Moneys in the fund shall be expended and distributed in the order and manner as follows:

*a.* An amount as appropriated by the general assembly to the homeland security and emergency management division for implementation, support, and maintenance of the functions of the E911 program and to employ the auditor of the state to perform an annual audit of the wireless E911 emergency communications fund.

*b.* The program manager shall reimburse local communications service providers on a calendar quarter basis for their expenses for transport costs between the wireless E911 selective router and the public safety answering points related to the delivery of wireless E911 service.

*c.* The program manager shall reimburse local communications service providers and third-party E911 automatic location information (ALI) database providers on a calendar quarter basis for the costs of maintaining and upgrading the E911 components and functionalities between the input and output points of the wireless E911 selective router. This includes the wireless E911 selective router and the automatic location information (ALI) database.

*d.* A minimum of \$1,000 per calendar quarter shall be allocated for each public safety answering point with the E911 service area of the department of public safety or joint E911 service board that has submitted a written request to the program manager. The written request shall be made with the Request for Wireless E911 Fund form contained in the State of Iowa Wireless E911 Implementation and Operation Plan. The request is due to the program manager on May 15, or the next business day, of each year.

The amount allocated under 10.9(3) “*d*” shall be 46 percent of the total amount of surcharge generated per calendar quarter. The minimum amount allocated to the department of public safety and the joint E911 service boards shall be \$1,000 per PSAP operated by the respective authority. Additional funds shall be allocated as follows:

(1) Sixty-five percent of the total dollars available for allocation shall be allocated in proportion to the square miles of the E911 service area to the total square miles in the state.

(2) Thirty-five percent of the total dollars available for allocation shall be allocated in proportion to the wireless E911 calls answered at the public safety answering point in the E911 service area to the total of wireless E911 calls originating in the state.

(3) Funds allocated under 10.9(3) “*d*” shall be deposited in the E911 service fund and shall be used for communications equipment utilized by the public safety answering points for the implementation and maintenance of E911 services.

*e.* If moneys remain after all obligations under 10.9(3) “*a*” to “*d*,” as listed above, have been fully paid, the remainder may be accumulated as a carryover operating surplus. These moneys shall be used to fund future network improvements and public safety answering point improvements. These moneys may also be used for wireless service providers’ transport costs related to wireless E911 phase 2 services, if those costs are not otherwise recovered by the wireless service provider’s customer billing or other sources and are approved by the program manager. Any moneys remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain available for the purposes of the fund.

**10.9(4)** Payments to local communications service providers shall be made quarterly, based on original, itemized claims or invoices presented within 20 days of the end of the calendar quarter. Payments to providers shall be made in accordance with these rules and the State of Iowa Accounting Policies and Procedures.

**10.9(5)** Local communications service providers shall be reimbursed for only those items and services that are defined as eligible in the enhanced wireless 911 service plan and when initiation of service has been ordered and authorized by the E911 program manager.

**10.9(6)** If it is found that an overpayment has been made to an entity, the E911 program manager shall attempt recovery of the debt from the entity by certified letter. Due diligence shall be documented and retained at the state homeland security and emergency management division. If resolution of the debt does not occur and the debt is at least \$50, the state homeland security and emergency management division will then utilize the income offset program through the department of revenue. Until resolution

of the debt has occurred, the state homeland security and emergency management division may withhold future payments to the entity.

[ARC 0602C, IAB 2/20/13, effective 3/27/13]

**605—10.10(34A) E911 surcharge exemptions.** The following agencies, individuals, and organizations are exempt from imposition of the E911 surcharge:

1. Federal agencies and tax-exempt instrumentalities of the federal government.
2. Indian tribes for access lines on the tribe's reservation upon filing a statement with the joint E911 service board, signed by appropriate authority, requesting surcharge exemption.
3. An enrolled member of an Indian tribe for access lines on the reservation, who does not receive E911 service, and who annually files a signed statement with the joint E911 service board that the person is an enrolled member of an Indian tribe living on a reservation and does not receive E911 service. However, once E911 service is provided, the member is no longer exempt.
4. Official station testing lines owned by the provider.
5. Individual wire-line subscribers to the extent that they shall not be required to pay on a single periodic billing the surcharge on more than 100 access lines, or their equivalent, in an E911 service area.

All other subscribers not listed above, that have or will have the ability to access 911, are required to pay the surcharge, if imposed by the official order of the E911 program manager.

**605—10.11(34A) E911 service fund.**

**10.11(1)** The department of public safety and each joint E911 service board have the responsibility for the E911 service fund.

*a.* An E911 service fund shall be established in the office of the county treasurer for each joint E911 service board and with the state treasurer for the department of public safety.

*b.* Collected surcharge moneys and any interest thereon, as authorized in Iowa Code chapter 34A, shall be deposited into the E911 service fund. E911 surcharge moneys must be kept separate from all other sources of revenue utilized for E911 systems.

*c.* For joint E911 service boards, withdrawal of moneys from the E911 service fund shall be made on warrants drawn by the county auditor, per Iowa Code section 331.506, supported by claims and vouchers approved by the chairperson or vice chairperson of the joint E911 service board or the appropriate operating authority so designated in writing.

*d.* For the department of public safety, withdrawal of moneys from the E911 service fund shall be made in accordance with state laws and administrative rules.

**10.11(2)** The E911 service funds shall be subject to examination by the division at any time during usual business hours. E911 service funds are subject to the audit provisions of Iowa Code chapter 11. A copy of all audits of the E911 service fund shall be furnished to the division within 30 days of receipt. If through the audit or monitoring process the division determines that a joint E911 service board is not adhering to an approved plan or does not have a valid board membership, or if the division determines that a joint E911 service board or the department of public safety is not using funds in the manner prescribed in these rules or Iowa Code chapter 34A, the administrator may, after notice and hearing, suspend surcharge imposition and order termination of expenditures from the E911 service fund. The joint E911 service board or department of public safety is not eligible to receive or expend surcharge moneys until such time as the E911 program manager determines that the board or department is in compliance with the approved plan, board membership, and fund usage limitations.

[ARC 8314B, IAB 11/18/09, effective 12/23/09]

**605—10.12(34A) Operating budgets.**

**10.12(1)** Each joint E911 service board and the department of public safety shall provide a copy, to the E911 program manager, within 30 days of adoption, of the operating budget for the ensuing fiscal year for the fund as established under subrule 10.11(1).

**10.12(2)** The E911 program manager shall, upon review of the operating budget, make necessary adjustments to the surcharge as provided in Iowa Code chapter 34A.

**605—10.13(34A) Limitations on use of funds.** Surcharge moneys in the E911 service fund may be used to pay recurring and nonrecurring costs including, but not limited to, network equipment, software, database, addressing, initial training, and other start-up, capital, and ongoing expenditures. E911 surcharge moneys shall be used only to pay costs directly attributable to the provision of E911 telephone systems and services and may include costs directly attributable to the receipt and disposition of the 911 call.

[ARC 0602C, IAB 2/20/13, effective 3/27/13]

**605—10.14(34A) Minimum operational and technical standards.**

**10.14(1)** Each E911 system, supplemented with E911 surcharge moneys, shall, at a minimum, employ the following features:

- a. ALI (automatic location identification).
- b. ANI (automatic number identification).
- c. Ability to selectively route.

d. Each PSAP shall provide two emergency seven-digit numbers arranged in rollover configuration for use by telephone company operators for transferring a calling party to the PSAP over the wire-line network. Wireless calls must be transferred to PSAPs that are capable of accepting ANI and ALI.

e. ANI and ALI information shall be maintained and updated in such a manner as to allow for 95 percent or greater degree of accuracy.

**10.14(2)** E911 public safety answering points shall adhere to the following minimum standards:

a. The PSAP shall operate 7 days per week, 24 hours per day, with operators on duty at all times.

b. The primary published emergency number in the E911 service area shall be 911.

c. All PSAPs will maintain interagency communications capabilities for emergency coordination purposes, to include radio as well as land line direct or dial line.

d. Each PSAP shall develop and maintain a PSAP standard operating procedure for receiving and dispatching emergency calls.

e. The date and time of each 911 emergency call shall be documented using an automated call detail recording device or other communications center log. Such logs shall be maintained for a period of not less than one year.

f. If a call transfer method of handling 911 calls is employed, a 99 percent degree of reliability of transferred calls from a PSAP to responding agencies shall be maintained. All transferred calls shall employ, to the closest extent possible, conference transfer capabilities which provide that the call be announced and monitored by the PSAP operator to ensure that the call has been properly transferred.

g. PSAPs not employing the transfer method of handling 911 emergency calls shall use the call relay method. Information shall be exchanged between the PSAP receiving the call and an appropriate emergency response agency or dispatch center having jurisdiction in the area of the emergency. In no case during an emergency 911 call shall the caller be referred to another telephone number and required to hang up and redial. The call relay method shall also prevail in circumstances where emergency calls enter the 911 system (whether by design or by happenstance) from outside the E911 service area.

h. Access control and security of PSAPs and associated dispatch centers shall be designed to prevent disruption of operations and provide a safe and secure environment of communication operations.

i. PSAP supervision shall ensure that all telephone company employees, whose normal activities may involve contact with facilities associated with the 911 service, are familiar with safeguarding of facilities' procedures.

j. Emergency electrical power shall be provided for the PSAP environment that will ensure continuous operations and communications during a power outage. Such power should start automatically in the event of power failure and shall have the ability to be sustained for a minimum of 48 hours.

k. The PSAP shall make every attempt to disallow the intrusion by automatic dialers, alarm systems, or automatic dialing and announcing devices on a 911 trunk. If intrusion by one of these

devices should occur, those responsible for PSAP operations shall make every attempt to contact the responsible party to ensure there is no such further occurrence by notifying the party that knowing and intentional interference with emergency telephone calls constitutes a crime under Iowa Code section 727.5. Those responsible for PSAP operations shall report persons who repeatedly use automatic dialers, alarm systems, or automatic announcing devices on 911 trunk lines to the county attorney for investigation of possible violations of section 727.5.

*l.* Each PSAP shall be equipped with an appropriate telecommunications device for the deaf (TDD) in accordance with 28 CFR Part 35.162, July 26, 1991.

**10.14(3)** Communications service providers shall adhere to the following minimum requirements:

*a.* The PSAP and E911 program manager shall be notified of all service interruptions in accordance with 47 CFR Part 4.

*b.* All communications service providers shall submit separate itemized bills to the E911 program manager, the department of public safety, a joint E911 service board or PSAP operating authority, as appropriate.

*c.* The communications service provider shall respond, within a reasonable length of time, to all appropriate requests for information from the administrator, the department of public safety, a joint E911 service board or operating authority and shall expressly comply with the provisions of Iowa Code section 34A.8.

*d.* Access to the wireless E911 selective router shall be approved by the E911 program manager. Communications service providers must provide the company name, address and point of contact with their request. If the communications service provider utilizes a third-party vendor, the vendor must provide this information listing the vendor's customer's requested information.

**10.14(4)** Voluntary standards. Current technical and operational standards applying to E911 systems and services can be found in the "American Society for Testing and Materials Standard Guide for Planning and Developing 911 Enhanced Telephone Systems" and in publications issued by the National Emergency Number Association. Master street address guides are encouraged to be developed and maintained by using National Emergency Number Association technical standards 02-010 and 02-011. Standards contained in these documents shall be considered as guidance, and adherence thereto shall be voluntary. Notwithstanding the minimum standards published in these rules, it is intended that E911 communications service providers and joint E911 service boards and operating authorities employ the best and most affordable technologies and methods available in providing E911 services to the public.

[ARC 0602C, IAB 2/20/13, effective 3/27/13]

#### **605—10.15(34A) Administrative hearings and appeals.**

**10.15(1)** E911 program manager decisions regarding the acceptance or refusal of an E911 service plan, in whole or in part, the implementation of E911 and the imposition of the E911 surcharge within a specific E911 service area may be contested by an affected party.

**10.15(2)** Request for a hearing shall be made in writing to the state homeland security and emergency management division administrator within 30 days of the E911 program manager's mailing or serving a decision and shall state the reason(s) for the request and shall be signed by the appropriate authority.

**10.15(3)** The administrator shall schedule a hearing within 10 working days of receipt of the request for hearing. The administrator shall preside over the hearing, at which time the appellant may present any evidence, documentation, or other information regarding the matter in dispute.

**10.15(4)** The administrator shall issue a ruling regarding the matter within 20 working days of the hearing.

**10.15(5)** Any party adversely affected by the administrator's ruling may file a written request for a rehearing within 20 days of issuance of the ruling. A rehearing will be conducted only when additional evidence is available, the evidence is material to the case, and good cause existed for the failure to present the evidence at the initial hearing. The administrator will schedule a hearing within 20 days after the receipt of the written request. The administrator shall issue a ruling regarding the matter within 20 working days of the hearing.

**10.15(6)** Any party adversely affected by the administrator's ruling may file a written appeal to the administrator of the homeland security and emergency management division. The appeal request shall contain information identifying the appealing party, the ruling being appealed, specific findings or conclusions to which exception is taken, the relief sought, and the grounds for relief. The administrator shall issue a ruling regarding the matter within 90 days of the hearing. The administrator's ruling constitutes final agency action for purposes of judicial review.

[ARC 7695B, IAB 4/8/09, effective 5/13/09; ARC 0602C, IAB 2/20/13, effective 3/27/13]

**605—10.16(34A) Confidentiality.** All financial or operations information provided by a communications service provider to the E911 program manager shall be identified by the provider as confidential trade secrets under Iowa Code section 22.7(3) and shall be kept confidential as provided under Iowa Code section 22.7(3) and Iowa Administrative Code 605—Chapter 5. Such information shall include numbers of accounts, numbers of customers, revenues, expenses, and the amounts collected from said communications service provider for deposit in the fund. Notwithstanding such requirements, aggregate amounts and information may be included in reports issued by the administrator if the aggregated information does not reveal any information attributable to an individual communications service provider.

[ARC 0602C, IAB 2/20/13, effective 3/27/13]

**605—10.17(34A) Prepaid wireless E911 surcharge.** Administration of the prepaid wireless E911 surcharge is under the control of the Iowa department of revenue. To administer this function, the department has adopted rules that can be found in 701—paragraph 224.6(2)“b” and rule 701—224.8(34A), Iowa Administrative Code.

[ARC 0602C, IAB 2/20/13, effective 3/27/13]

These rules are intended to implement Iowa Code chapter 34A.

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[Filed ARC 0602C (Notice ARC 0512C, IAB 12/12/12), IAB 2/20/13, effective 3/27/13]

<sup>1</sup> Effective date of 8/2/89 delayed 70 days by the Administrative Rules Review Committee at its July 11, 1989, meeting.



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CHAPTER 21  
ELECTION FORMS AND INSTRUCTIONS  
[Prior to 7/13/88, see Secretary of State[750], Ch 11]

DIVISION I  
GENERAL ADMINISTRATIVE PROCEDURES

**721—21.1(47) Emergency election procedures.** The state commissioner of elections may exercise emergency powers over any election being held in a district in which either a natural or other disaster or extremely inclement weather has occurred. The state commissioner may also exercise emergency powers during an armed conflict involving United States armed forces, or mobilization of those forces, or if an election contest court finds that there were errors in the conduct of an election making it impossible to determine the result.

**21.1(1) Definitions.**

“*Commissioner*” means the county commissioner of elections.

“*Election contest court*” means any of the courts specified in Iowa Code sections 57.1, 58.4, 61.1, 62.1 and 376.10.

“*Extremely inclement weather*” means a natural occurrence, such as a rainstorm, windstorm, ice storm, blizzard, tornado or other weather conditions, which makes travel extremely dangerous or which threatens the public peace, health and safety of the people or which damages and destroys public and private property.

“*Natural disaster*” means a natural occurrence, such as a fire, flood, blizzard, earthquake, tornado, windstorm, ice storm, or other events, which threatens the public peace, health and safety of the people or which damages and destroys public and private property.

“*Other disaster*” means an occurrence caused by machines or people, such as fire, hazardous substance or nuclear power plant accident or incident, which threatens the public peace, health and safety of the people or which damages and destroys public and private property.

“*State commissioner*” means the state commissioner of elections.

**21.1(2) Notice of natural or other disaster or extremely inclement weather.** The county commissioner of elections, or the commissioner’s designee, may notify the state commissioner of elections that due to a natural or other disaster or extremely inclement weather an election cannot safely be conducted in the time or place for which the election is scheduled to be held. If the commissioner or the commissioner’s designee is unable to transmit notice of the hazardous conditions, the notice may be given by any elected county official. Verification of the commissioner’s agreement with the severity of the conditions and the danger to the election process shall be transmitted to the state commissioner as soon as possible. Notice may be given by telephone or by facsimile machine, but a signed notice shall also be delivered to the state commissioner.

**21.1(3) Declaration of emergency due to natural or other disaster or extremely inclement weather.** After receiving notice of hazardous conditions, the state commissioner of elections, or the state commissioner’s designee, may declare that an emergency exists in the affected precinct or precincts. A copy of the declaration of the emergency shall be provided to the commissioner.

**21.1(4) Emergency modifications to conduct of elections.** When the state commissioner of elections has declared that an emergency exists due to a natural or other disaster or to extremely inclement weather, the county commissioner of elections, or the commissioner’s designee, shall consult with the state commissioner to develop a plan to conduct the election under the emergency conditions. All modifications to the usual method for conducting elections shall be approved in advance by the state commissioner unless prior approval is impossible to obtain.

Modifications may be made to the method for conducting the election including relocation of the polling place, postponement of the hour of opening the polls, postponement of the date of the election if no candidates for federal offices are on the ballot, reduction in the number of precinct election officials in nonpartisan elections, or other reasonable and prudent modifications that will permit the election to be conducted.

**21.1(5) *Relocation of polling place.*** The substitute polling place shall be as close as possible to the usual polling place and shall be within the same precinct if possible. Preference shall be given to buildings which are accessible to the elderly and disabled. Buildings supported by taxation shall be made available without charge by the authorities responsible for their administration. If it is necessary, more than one precinct may be located in the same room.

A notice of the location of the substitute polling place shall be posted on the door of the former polling place not later than one hour before the scheduled time for opening the polls or as soon as possible. If it is unsafe or impossible to post the sign on the door of the former polling place, the notice shall be posted in some other visible place at or near the site of the former polling place. If time permits, notice of the relocation of the polling place shall be published in the same newspaper in which notice of election was published, otherwise notice of relocation may be published in any newspaper of general circulation in the political subdivision which will appear on or before election day. The commissioner shall inform all broadcast media and print news organizations serving the jurisdiction of the modifications.

**21.1(6) *Postponement of election.*** An election, other than an election at which a federal office appears on the ballot, may be postponed until the following Tuesday. If the election involves more than one precinct, the postponement must include all precincts within the political subdivision. If the election is postponed, ballots shall not be reprinted to reflect the modification in the election date. The date of the close of voter preregistration by mail for the election shall not be extended. Precinct election registers prepared for the original election date may be used or reprinted at the commissioner's discretion.

On the day that the postponed election is actually held, all election day procedures must be repeated.

**21.1(7) *Absentee voting in postponed elections.*** Absentee ballots shall be delivered to voters pursuant to Iowa Code section 53.22 until the date the election is actually held. Absentee ballots shall be accepted at the commissioner's office until the hour the polls close on the date the election is held. Absentee ballots which are postmarked no later than the day before the election is actually held shall be accepted if received no later than the time prescribed by the Iowa Code for the usual conduct of the election. The time shall be calculated from the date on which the election is held, not the date for which the election was originally scheduled. However, if absentee ballots have been tabulated before the election is postponed, the absentee ballots shall be sealed in an envelope by the absentee and special voters precinct board and stored securely until the date the election is actually held. The sealed envelopes shall be opened by the absentee and special voters precinct board on the date the election is actually held, counters on the tabulating equipment (if any) shall be reset to zero, and all absentee ballots tabulated on the original election date shall be retabulated.

**21.1(8) *Absentee and special voters precinct board in postponed elections.*** The absentee and special voters precinct board shall meet to consider provisional ballots at the times specified in Iowa Code sections 50.22 and 52.23, calculated from the date the election is held. No absentee ballots shall be counted until the date the election is held.

**21.1(9) *Canvass of votes in postponed elections.*** The canvass of votes shall also be rescheduled for one week after the originally scheduled canvass date.

**21.1(10) *Postponements made on election day.*** If the emergency is declared while the polls are open and the decision is made to postpone the election, each precinct polling place in the political subdivision shall be notified to close its doors and to halt all voting immediately. People present in the polling place who are waiting to vote shall not be given ballots. People who have received and marked their ballots shall deposit them in the ballot box; unmarked ballots may be returned to the precinct election officials.

The precinct election officials shall seal all ballots which were cast before the declaration of the emergency in secure containers. The containers shall be clearly marked as ballots from the postponed election. If it is safe to do so, the ballot containers, election register, and other election supplies shall be transported to the commissioner's office. The ballots shall be stored in a secure place. If it is unsafe to travel to the commissioner's office, the chairperson of the precinct election board shall see that the ballots and the election register are securely stored until it is safe to return them to the commissioner. If no contest is pending six months after the canvass for the election is completed, the unopened, sealed ballot containers shall be destroyed.

If automatic tabulating equipment is used, the automatic tabulating equipment shall be closed and sealed without printing the results. Before the date the election is held, the automatic tabulating equipment shall be reset to zero. Documents showing the progress of the count, if any, shall be sealed in an envelope and stored. No one shall reveal the progress of the count. After six months, the sealed envelope containing the vote totals shall be destroyed if no contest is pending.

**21.1(11) *Records kept.*** The state commissioner of elections shall maintain records of each emergency declaration. The records of emergency declarations for federal elections shall be kept for 22 months, and records for all other elections shall be kept for six months following the election. The records shall include the following information:

- a.* The county in which the emergency occurred.
- b.* The date and time the emergency declaration was requested.
- c.* The name and title of the person making the request.
- d.* Name and date of the election affected.
- e.* The jurisdiction for which the election is to be conducted (school, city, county, or other).
- f.* The number of precincts in the jurisdiction.
- g.* The number of precincts affected by the emergency.
- h.* The nature of the emergency, i.e., natural or other disaster, or extremely inclement weather.
- i.* The date or dates of the occurrence of the natural or other disaster or extremely inclement weather.
- j.* Conditions affecting the conduct of the election.
- k.* Whether the polling places may safely be opened on time.
- l.* Action taken: such as moving the polling place, change voting system, postpone election until the following Tuesday.
- m.* Method to be used to inform the public of changes made in the election procedure.
- n.* The signature of the state commissioner or the state commissioner's designee who was responsible for declaring the emergency.

**21.1(12) *Federal elections.***

*a.* If an emergency occurs that will adversely affect the conduct of an election at which candidates for federal office will appear on the ballot, the election shall not be postponed or delayed. Emergency measures shall be limited to relocation of polling places, modification of the method of voting, reduction of the number of precinct election officials at a precinct and other modifications of prescribed election procedures which will enable the election to be conducted on the date and during the hours required by law.

The primary election held in June of even-numbered years and the general election held in November of even-numbered years shall not be postponed. Special elections called by the governor pursuant to Iowa Code section 69.14 shall not be postponed unless no federal office appears on the ballot.

*b.* If a federal or state court order extends the time established for closing the polls pursuant to Iowa Code section 49.73, any person who votes after the statutory hour for closing the polls shall vote only by casting a provisional ballot pursuant to Iowa Code section 49.81. Provisional ballots cast after the statutory hour for closing the polls shall be sealed in a separate envelope from provisional ballots cast during the statutory polling hours. The absentee and special voters precinct board shall tabulate and report the results of the two sets of provisional ballots separately.

**21.1(13) *Military emergencies.*** A voter who is entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and Iowa Code chapter 53, division II, "Absent Voting by Armed Forces," may return an absentee ballot via electronic transmission only if the voter is located in an area designated by the U.S. Department of Defense to be an imminent danger pay area or if the voter is an active member of the army, navy, marine corps, merchant marine, coast guard, air force or Iowa national guard and is located outside the United States or any of its territories. Procedures for the return of absentee ballots by electronic transmission are described in subrule 21.320(4).

**21.1(14) *Election contest emergency.*** If an election contest court finds that there were errors in the conduct of an election which make it impossible to determine the result of the election, the contest court shall notify the state commissioner of elections of its finding. The state commissioner shall order a repeat

election to be held. The repeat election date shall be set by the state commissioner. The repeat election shall be conducted under the state commissioner's supervision.

The repeat election shall be held at the earliest possible time, but it shall not be held earlier than 14 days after the date the election was set aside. Voter registration, publication, equipment testing and other applicable deadlines shall be calculated from the date of the repeat election.

The repeat election shall be conducted under the same procedures required for the election that was set aside, except that all known errors in preparation and procedure shall be corrected. The nominations from the initial election shall be used in the repeat election unless the contest court specifically rejects the initial nomination process in its findings. Precinct election officials for the repeat election may be replaced at the discretion of the auditor.

The following materials prepared for the original election shall be used or reconstructed for the repeat election:

Ballots (showing the date of repeat election). This may be stamped on ballots printed for the original election.

Notice of election (showing the date of repeat election).

This rule is intended to implement Iowa Code section 47.1.

[ARC 8045B, IAB 8/26/09, effective 7/27/09; ARC 9989B, IAB 2/8/12, effective 1/17/12]

**721—21.2(47) Electronic submission of absentee ballot applications and affidavits of candidacy.** Absentee ballot applications and affidavits of candidacy may be submitted electronically using either fax or E-mail.

**21.2(1) *Electronic copies of absentee ballot applications and affidavits of candidacy accepted for filing.*** Assuming that all other legal requirements are met, absentee ballot applications and affidavits of candidacy required by Iowa Code chapters 43, 44, 45, 161A, 260C, 277, 376 and 420 may be submitted electronically by either fax or E-mail if presented to the appropriate filing officer as an exact copy of the original and if the submission is in compliance with subrule 21.2(2).

**21.2(2) *Original absentee ballot applications.*** The original absentee ballot application submitted electronically shall also be mailed or delivered to the commissioner. If mailed, the envelope bearing the original absentee ballot application shall be postmarked not later than the Friday before the election. This subrule shall not apply to documents submitted electronically by UOCAVA voters pursuant to rule 721—21.320(53).

*a.* The voter's absentee ballot shall be rejected by the absentee and special voters precinct board if the original absentee ballot application which was filed electronically is not received by the time the polls close on election day.

*b.* The voter's absentee ballot shall be rejected by the absentee and special voters precinct board if the postmark on the envelope containing the original absentee ballot application is either illegible or later than the Friday before the election.

**21.2(3) *Original affidavits of candidacy.*** The original copy of an affidavit of candidacy submitted electronically shall also be filed with the appropriate commissioner. The envelope bearing the original affidavit (if any) shall be postmarked not later than the last day to file the document.

*a.* The filing shall be void if the original affidavit of candidacy filed electronically is not received within seven days after the filing deadline for the original affidavit of candidacy.

*b.* The filing shall be void if the postmark on the envelope containing the original affidavit of candidacy is later than the filing deadline.

*c.* If an affidavit of candidacy filing is voided because the original affidavit of candidacy submitted by facsimile machine was postmarked too late or arrives too late, the person who filed the document shall be notified immediately in writing.

This rule is intended to implement Iowa Code sections 43.11, 43.19, 43.54, 43.67, 43.78, 44.3, 45.3, 45.4, 46.20, 47.1, and 47.2; sections 53.2, 53.8, 53.17, 53.22, 53.25, and 53.40 as amended by 2009 Iowa Acts, House File 475; sections 53.45, 61.3, 161A.5, and 277.4; sections 260C.15 and 376.4 as amended by 2009 Iowa Acts, House File 475; and sections 376.11 and 420.130.

[ARC 8045B, IAB 8/26/09, effective 7/27/09; ARC 9879B, IAB 11/30/11, effective 1/4/12]

**721—21.3(49,48A) Voter identification documents.**

**21.3(1)** *Identification documents for persons other than election day registrants.* Unless the person is registering to vote at the polls on election day, precinct election officials shall accept the identification documents listed in Iowa Code section 48A.8 from any person who is asked or required to present identification pursuant to Iowa Code section 49.77 as amended by 2009 Iowa Acts, House File 475.

**21.3(2)** *Identification for election day registrants.*

*a.* A person who applies to register to vote on election day shall provide proof of identity and residence pursuant to Iowa Code section 48A.7A in the precinct where the person is applying to register and vote.

*b.* Any registered voter who attests for another person registering to vote at the polls on election day shall be a registered voter of the same precinct. The registered voter may be a precinct election official or a pollwatcher, but may not attest for more than one person applying to register at the same election.

**21.3(3)** *Current and valid identification.*

*a.* “Current and valid” or “identification,” for the purposes of this rule, means identification that meets the following criteria:

(1) The expiration date on the identification has not passed. An identification is still valid on the expiration date. An Iowa nonoperator’s identification that shows “none” as the expiration date shall be considered current and valid.

(2) The identification has not been revoked or suspended.

*b.* A current and valid identification may include a former address.

**21.3(4)** *Identification not provided.* A person who has been requested to provide identification and does not provide it shall vote only by provisional ballot pursuant to Iowa Code section 49.81. However, a person who is registering to vote on election day pursuant to Iowa Code section 48A.7A may establish identity and residency in the precinct by written oath of a person who is registered to vote in the precinct.

This rule is intended to implement Iowa Code section 48A.7A and section 49.77 as amended by 2009 Iowa Acts, House File 475, and P.L. 107-252, Section 303.

[ARC 8045B, IAB 8/26/09, effective 7/27/09]

**721—21.4(49) Changes of address at the polls.** An Iowa voter who has moved from one precinct to another in the county where the person is registered to vote may report a change of address at the polls on election day.

**21.4(1)** To qualify to vote in the election being held that day, the voter shall:

*a.* Go to the polling place for the precinct where the voter lives on election day.

*b.* Complete a registration form showing the person’s current address in the precinct.

*c.* Present proof of identity as required by subrule 21.3(1).

**21.4(2)** The officials shall require a person who is reporting a change of address at the polls to cast a provisional ballot if the person’s registration in the county cannot be confirmed. Registration may be confirmed by:

*a.* Telephoning the office of the county commissioner of elections, or

*b.* Reviewing a printed list of all registered voters who are qualified to vote in the county for the election being held that day, or

*c.* Researching the county’s voter registration records using a computer.

**21.4(3)** In precincts where the voter’s declaration of eligibility is included in the election register pursuant to rule 721—21.5(49) and Iowa Code section 49.77, the commissioner shall provide to each precinct one of the two following methods for recording changes of address:

*a.* The voter shall be given both an eligibility declaration and a voter registration form. The eligibility declaration may be printed on the same piece of paper as the voter registration form.

*b.* The commissioner shall provide blank lines on the election register for the precinct election officials to record the voter’s name, address, and, if provided, telephone number, and, in primary

elections, political party affiliation. The voter shall sign the election register next to the printed information. The voter shall also complete a voter registration form showing the voter's current address.

This rule is intended to implement Iowa Code section 49.77 as amended by 2009 Iowa Acts, House File 475.

[ARC 8045B, IAB 8/26/09, effective 7/27/09]

**721—21.5(49) Eligibility declarations in the election register.** To compensate for the absence of a separate declaration of eligibility form, the commissioner shall provide to each precinct a voter roster with space for each person who appears at the precinct to vote to print the following information: first and last name, address, and, at the voter's option, telephone number, and, in primary elections, political party affiliation.

The roster forms shall include the name and date of the election and the name of the precinct, and may be provided on paper that makes carbonless copies. If a multicopy form is used, the commissioner shall retain the original copy of the voter roster with other records of the election.

This rule is intended to implement Iowa Code section 49.77.

[ARC 8045B, IAB 8/26/09, effective 7/27/09]

**721—21.6(43,50) Turnout reports.** Rescinded IAB 6/2/10, effective 7/1/10.

**721—21.7(48A) Election day registration.** In addition to complying with the identification provisions in rule 721—21.3(49,48A), precinct election officials shall comply with the following requirements:

**21.7(1)** Precinct election officials shall inspect the identification documents presented by election day registrants to verify the following:

- a. The photograph shows the person who is registering to vote.
- b. The name on the identification document is the same as the name of the applicant.
- c. The address on the identification document is in the precinct where the person is registering to vote.

**21.7(2)** Precinct election officials shall verify that each person who attempts to attest to the identity and residence of a person who is registering to vote on election day is a registered voter in the precinct and has not attested for any other voter in the election. The officials shall note in the election register that the person has attested for an election day registrant.

**21.7(3)** Precinct election officials shall permit any person who is in line to vote at the time the polls close to register and vote on election day if the person otherwise meets all of the election day registration requirements.

**21.7(4)** In precincts where an electronic program is not used to check the name of an election day registrant against the statewide list of felons who have had their right to vote revoked, precinct election officials shall provide each election day registrant with a "Notice to Election Day Registrants" prepared by the state commissioner before allowing the voter to register and vote on election day. The "Notice to Election Day Registrants" prepared by the state commissioner will be posted on the state commissioner's Web site.

This rule is intended to implement 2007 Iowa Acts, House File 653.

[ARC 8045B, IAB 8/26/09, effective 7/27/09; ARC 8777B, IAB 6/2/10, effective 5/7/10]

**721—21.8(48A) Notice to election day registrant.** The commissioner shall send to each person who registers to vote on election day, pursuant to Iowa Code section 48A.7A, an acknowledgment of the registration by nonforwardable mail. If the postal service returns the acknowledgment as undeliverable, the commissioner shall send a notice to the voter by forwardable mail. The notice shall be substantially in the form titled "Notice to Election Day Registrant" posted on the state commissioner's Web site.

This rule is intended to implement Iowa Code sections 48A.7A and 48A.26A.

[ARC 8045B, IAB 8/26/09, effective 7/27/09]

**721—21.9(49) "Vote here" signs.**

1. Size. The signs shall be no smaller than 16 inches by 24 inches.

2. Exceptions. If a driveway leads away from the entrance to the voting area, or if the driveway is located in such a way that posting a “vote here” sign at the driveway entrance would not help potential voters find the voting area, no “vote here” sign shall be posted at the entrance to that driveway.

This rule is intended to implement Iowa Code section 49.21.

**721—21.10(43) Application for status as a political party.** A political organization which is not currently qualified as a political party may file an application for determination of political party status with the state commissioner of elections. The application may be filed after the completion of the executive council’s canvass of votes for the general election, but not later than one year after the date of the election at which the organization’s candidate for President of the United States or governor received at least 2 percent of the vote.

**21.10(1) Application form.** The application shall be substantially in the form titled “Application for Political Party Status” posted on the state commissioner’s Web site.

**21.10(2) Response.** If the political organization meets the requirements established in Iowa Code section 43.2, the commissioner shall declare that the organization has qualified as a political party, effective 21 days after the application is approved. If the organization does not meet the requirements, the state commissioner shall immediately notify the applicant in writing of the reason for the rejection of the application.

**21.10(3) Disqualification of political party.** If at the close of nominations for the general election a political party has not nominated a candidate for the office of President of the United States, or for governor, as the case may be, the political party shall be disqualified immediately.

If the candidate of a political party for President of the United States or for governor, as the case may be, does not receive 2 percent of the votes cast for that office at a general election, the political party shall be disqualified. The effective date of the disqualification shall be the date of the completion of the state canvass of votes.

When a political party is disqualified, the state commissioner shall immediately notify the chairperson or central committee of the disqualified political party.

**21.10(4) Notice of qualification and disqualification of political parties.** The state commissioner of elections shall immediately notify the state registrar of voters, the voter registration commission, and the county commissioners of elections when a political party is qualified or disqualified. The notice shall include the name of the political party and the date upon which change in political party status becomes effective.

The state commissioner of elections shall also publish notice of the qualification or disqualification of a political party in a newspaper of general circulation in each congressional district. The publication shall be made within 30 days of the approval of an application for qualification or within 30 days of the effective date of a disqualification.

This rule is intended to implement Iowa Code sections 43.2 and 47.1.  
[ARC 8045B, IAB 8/26/09, effective 7/27/09]

**721—21.11(49) Statement to provisional voter.** Each voter who is required to vote a provisional ballot at the polls on election day shall be given a statement from the precinct election officials which shall be in substantially the following form:

**Statement to Person Casting a Provisional Ballot**  
(To be completed by Precinct Official and given to Voter)

Voter’s Name: \_\_\_\_\_

**Reason for Provisional Ballot** (check all that apply):

- ☐ Voter did not have proper identification (see “What you need to provide” below)
- ☐ Absentee voter with no ballot to surrender

☐ Voter was challenged by another registered voter

Reason: \_\_\_\_\_

**What you need to provide before your ballot will count:**

- ☐ Photo ID that has not expired and contains your name and picture
- ☐ One of the following that has not expired: Iowa driver's license, out-of-state driver's license, non-driver ID, U.S. passport, U.S. military ID, ID card issued by an employer, student ID issued by Iowa high school or college
- ☐ One of the following showing your name and current address: bank statement, paycheck, utility bill, property tax statement, residential lease, government check, or other government document

Deadline: \_\_\_\_\_ a.m./p.m., \_\_\_\_\_ (date)

Mail or Deliver Evidence to: \_\_\_\_\_, County Auditor

County Auditor Address: \_\_\_\_\_

If proof of ID or residence is required, your provisional ballot may be counted if you bring a copy of the identification listed above to this precinct before the polls close today or to the county auditor at the above address by the deadline indicated above. If your ballot is not counted, you will be notified by mail of the reason why it was not counted.

Your right to vote will be reviewed by the Special Precinct Board. You have the right and are encouraged to make a written statement and submit additional written evidence to the Board supporting your qualifications as a registered voter.

\_\_\_\_\_  
Precinct Election Official's Signature

\_\_\_\_\_  
Date

This rule is intended to implement Iowa Code section 49.81.  
[ARC 9989B, IAB 2/8/12, effective 1/17/12]

**721—21.12(47,53) Absentee ballot receipt deadline when the United States post office is closed on the deadline for receipt of absentee ballots.** When the United States post office is closed in observance of a federal holiday and is not delivering mail on the deadline for receipt of absentee ballots as set forth in Iowa Code section 53.17, the deadline to receive mailed and timely postmarked absentee ballots shall move to the next business day on which mail delivery is available.

This rule is intended to implement Iowa Code sections 47.1, 47.4 and 53.17.  
[ARC 0266C, IAB 8/8/12, effective 9/12/12]

**721—21.13(47,50) Canvass date adjustment when the United States post office is closed on the deadline for receipt of absentee ballots.**

**21.13(1)** When the United States post office is closed on a Monday that is also the deadline for receipt of absentee ballots, the county board of canvassers may hold the canvass on the Tuesday or Wednesday following the election.

**21.13(2)** When the United States post office is closed on a Thursday that is also the deadline for receipt of absentee ballots, the county board of canvassers shall hold the canvass on the Friday after the election, no earlier than 1 p.m.

This rule is intended to implement Iowa Code sections 47.1, 47.4 and 50.24.  
[ARC 0266C, IAB 8/8/12, effective 9/12/12]

**721—21.14 to 21.19** Reserved.

**721—21.20(62) Election contest costs.** In determining the amount of the bond for election contests, the commissioner shall consider the following aspects of the cost of the election contest proceedings:

1. Fees as provided in Iowa Code section 62.22.
2. Fees for judges as provided in Iowa Code section 62.23.
3. The cost of making an official record of the proceedings.

**721—21.21(62) Limitations.** The amount of the bond shall not include costs not directly related to the contest court proceedings. Specifically, the amount of the bond shall not be intended to replace any potential lost income to the county caused by the delay in implementing the decision of the voters at the election being contested.

Rules 721—21.20(62) and 721—21.21(62) are intended to implement Iowa Code sections 62.6, 62.22, 62.23, and 62.24.

**721—21.22(49) Photocopied ballot procedures.** If it is necessary for ballots to be photocopied pursuant to Iowa Code section 49.67, the commissioner shall use the “Request for Additional Ballots” form posted on the state commissioner’s Web site to record the request and resolution thereof. The commissioner shall complete the form, including the reason additional ballots are needed; who made the request for additional ballots and what time the request was made; the number of additional ballots produced; the manner of production of the additional ballots, including location of production; and the commissioner’s signature.

This rule is intended to implement Iowa Code section 49.67.

[ARC 9989B, IAB 2/8/12, effective 1/17/12]

**721—21.23 and 21.24** Reserved.

**721—21.25(50) Administrative recounts.** When the commissioner suspects that voting equipment used in the election malfunctioned or that programming errors may have affected the outcome of the election, the commissioner may request an administrative recount after the day of the election but not later than three days after the canvass of votes. The request shall be made in writing to the board of supervisors explaining the nature of the problem and listing the precincts to be recounted and which offices and questions shall be included in the administrative recount. The board of supervisors shall respond as soon as possible after receipt of the commissioner’s request.

The recount shall be conducted by members of the absentee and special voters precinct board following the provisions of Iowa Code section 50.48 as amended by 2009 Iowa Acts, House File 475, Iowa Code section 50.49 and 721—Chapter 26. The commissioner may use different memory cards for the recount and shall retain the information on the memory cards used in the election pursuant to 721—subrule 22.51(13). The commissioner may also use different election definition files if the commissioner believes the original election definition files were flawed. If the commissioner uses different election definition files for the recount, the commissioner shall also retain the election definition files for the election as required by 721—subrule 22.51(14).

This rule is intended to implement Iowa Code section 50.48 as amended by 2009 Iowa Acts, House File 475, and Iowa Code section 50.49.

[ARC 8045B, IAB 8/26/09, effective 7/27/09]

**721—21.26 to 21.29** Reserved.

**721—21.30(49) Inclusion of annexed territory in city reprecincting and redistricting plans.** If a city has annexed territory after January 1 of a year ending in zero and before the completion of the redrawing of precinct and ward boundaries during a year ending in one, the city shall include the annexed land in precincts drawn pursuant to Iowa Code sections 49.3 and 49.5.

**21.30(1)** When the city council draws precinct and ward boundaries, if any, the city shall use the population of the annexed territory as certified by the city to the state treasurer pursuant to Iowa Code section 312.3(4).

**21.30(2)** When the board of supervisors, or the temporary county redistricting commission, draws precinct and county supervisor district boundaries, if any, it shall subtract from the population of the adjacent unincorporated area the population of the annexed territory as certified by the city to the state treasurer pursuant to Iowa Code section 312.3(4).

**21.30(3)** The use of population figures for reprecincting or redistricting shall not affect the official population of the city or the county. Only the U.S. Bureau of the Census may adjust the official population figures, by corrections or by conducting special censuses. See Iowa Code section 9F.6.

This rule is intended to implement Iowa Code sections 49.3 and 49.5.

**721—21.31(275) School director district maximum allowable deviation between director districts.** Each director district shall have a population that exceeds the population of any other director district by no more than 10 percent. Director district plans with variations in excess of 10 percent between two or more districts shall be accompanied by justification for the deviation and shall be rejected by the secretary of state unless the deviation is necessary to comply with one of the other standards enumerated in Iowa Code section 275.23A.

This rule is intended to implement Iowa Code section 275.23A.

[ARC 9559B, IAB 6/15/11, effective 5/23/11; ARC 9891B, IAB 11/30/11, effective 1/4/12]

**721—21.32(372) City ward maximum allowable deviation between city wards.** Each city ward shall have a population that exceeds the population of any other city ward by no more than 10 percent. City ward plans with variations in excess of 10 percent between two or more wards shall be accompanied by justification for the deviation and shall be rejected by the secretary of state unless the deviation is necessary to comply with one of the other standards enumerated in Iowa Code section 372.13, subsection 7.

This rule is intended to implement Iowa Code section 372.13.

[ARC 9559B, IAB 6/15/11, effective 5/23/11; ARC 9891B, IAB 11/30/11, effective 1/4/12]

**721—21.33(49) Redistricting special election blackout period.** A special election shall not be held on the three Tuesdays preceding and following January 15 of years ending in the number two.

This rule is intended to implement Iowa Code chapter 49.

[ARC 9893B, IAB 11/30/11, effective 11/9/11]

**721—21.34 to 21.49** Reserved.

**721—21.50(49) Polling place accessibility standards.**

**21.50(1) Inspection required.** Before any building may be designated for use as a polling place, the county commissioner of elections or the commissioner's designee shall inspect the building to determine whether it is accessible to persons with disabilities.

**21.50(2) Frequency of inspection.** Polling places that have been inspected using the Polling Place Accessibility Survey Form prescribed in subrule 21.50(4) shall be reinspected if structural changes are made to the building or if the location of the polling place inside the building is changed.

**21.50(3) Review of accessibility.** Not less than 90 days before each primary election, the commissioner shall determine whether each polling place needs to be reinspected.

**21.50(4) Standards for determining polling place accessibility.** The survey form available on the state commissioner's Web site titled "Polling Place Accessibility Survey" shall be used to evaluate polling places for accessibility to persons with disabilities.

The term "off-street parking" used in the polling place accessibility survey means parking places in lots separated from the street and includes angle parking along the street if the accessible route from the parking place to the polling place is entirely out of the path of traffic. Parking arrangements that require either the driver or passengers of the vehicle to go into the traveled part of the street are not accessible.

An access aisle at street level that is at least 60 inches wide and the same length as each accessible parking space shall be provided. An accessible public sidewalk curb ramp shall connect the access aisle to the continuous passage to the polling place. At least one parking place shall be van-accessible with

a 96-inch access aisle connected to the continuous passage to the polling place by an accessible public sidewalk curb ramp. Two accessible parking spaces may share a common access aisle.

**21.50(5) *Temporary waiver of accessibility requirements.*** Notwithstanding the waiver provisions of 721—Chapter 10, if the county commissioner is unable to provide an accessible polling place for any precinct, the commissioner shall apply for a temporary waiver of accessibility requirements pursuant to this subrule. Applications shall be filed with the secretary of state not later than 60 days before the date of any scheduled election. If a waiver is granted, it shall be valid for two years from the date of approval by the secretary of state.

*a.* Each application shall include the following documents:

(1) Application for Temporary Waiver of Accessibility Requirements.

(2) A copy of the Polling Place Accessibility Survey Form for the polling place to be used.

(3) A copy of the Polling Place Accessibility Survey Form for any other buildings that were surveyed and rejected as possible polling place sites for the precinct.

*b.* If an accessible place becomes available at least 30 days before an election, the commissioner shall change polling places and shall notify the secretary of state. The notice shall include a copy of the Polling Place Accessibility Survey Form for the new polling place.

**21.50(6) *Emergency waivers.*** During the 60 days preceding an election, if a polling place becomes unavailable for use due to fire, flood, or changes made to the building, or for other reasons, the commissioner must apply for an emergency waiver of accessibility requirements in order to move the polling place to an inaccessible building. Emergency waiver applications must be filed with the secretary of state as soon as possible before election day. To apply for an emergency waiver, the commissioner shall send the following documents:

*a.* Application for Temporary Waiver of Accessibility Requirements.

*b.* A copy of the Polling Place Accessibility Survey Form for the polling place selected.

*c.* A copy of the Polling Place Accessibility Survey Form for any other buildings that were surveyed and rejected as possible polling place sites for this precinct (if any).

**21.50(7) *Application form.*** The form posted on the state commissioner's Web site titled "Temporary Waiver of Accessibility Requirements" shall be used to apply for a temporary waiver of accessibility requirements.

**21.50(8) *Evaluation of waivers.*** When the secretary of state receives waiver applications, the applications shall be reviewed carefully. A response shall be sent to the commissioner within one week by E-mail or by fax to notify the commissioner when the waiver request was received and whether additional information is needed.

**21.50(9) *Granting waivers.*** If the secretary of state determines from the documents filed with the waiver request that conditions justify the use of a polling place that does not meet accessibility standards, the secretary of state shall grant the waiver of accessibility requirements. If the secretary of state determines from the documents filed with the waiver request that all potential polling places have been surveyed and no accessible place is available, and the available building cannot be made temporarily accessible, the waiver shall be granted.

**21.50(10) *Notice required.*** Each notice of election published pursuant to Iowa Code section 49.53 shall clearly describe which polling places are inaccessible. The notice shall include a description of the services available to persons with disabilities who live in precincts with inaccessible polling places. The notice shall be in substantially the following form:

Any voter who is physically unable to enter a polling place has the right to vote in the voter's vehicle. For further information, please contact the county auditor's office at the telephone number or E-mail address listed below:

Telephone: \_\_\_\_\_ E-mail address: \_\_\_\_\_.

For TTY access, dial 711 + [auditor's office number].

**21.50(11) *Denial of waiver requests.*** The secretary of state shall review each waiver request. The secretary of state shall consider the totality of the circumstances as shown by the information on the waiver request, information contained in previous applications for waivers for the same precinct and for other precincts in the county, and other relevant available information. The waiver request may be

denied if it appears that the commissioner has not made a good-faith effort to find an accessible polling place. If the waiver request is denied, the secretary of state shall notify the commissioner in writing of the reason for denying the request.

This rule is intended to implement Iowa Code section 49.21.  
[ARC 8045B, IAB 8/26/09, effective 7/27/09; ARC 9879B, IAB 11/30/11, effective 1/4/12]

**721—21.51 to 21.74** Reserved.

**721—21.75(49) Voting centers for certain elections.** The commissioner may establish voting centers for the regular city election, city primary election, city runoff election, regular school election, and special elections.

**21.75(1) Definition.**

“*Voting center*” means a location established by the commissioner for the purpose of providing ballots to all registered voters who are qualified to vote in a particular jurisdiction for a regular city election, city primary election, city runoff election, regular school election, or special election.

**21.75(2) Minimum requirements.**

*a. Establishment.* One or more voting centers may be established in lieu of precinct polling places for the elections at which the use of voting centers is permitted. Regular polling place sites that are accessible to people with disabilities may be used as voting centers for any election at which the use of voting centers is permitted. Other suitable locations may also be used.

*b. Location of voting centers.* If voting centers are established for an election, at least one voting center must be located within the boundaries of the political subdivision for which the election is being conducted. At the commissioner’s discretion, additional vote centers may be established as long as the voting center is located within the boundaries of the political subdivision for which the election is being conducted.

*c. Accessibility.* A voting center is subject to the requirements of Iowa Code section 49.21 relating to accessibility to persons who are elderly and persons with disabilities and relating to the posting of signs.

**21.75(3) Hours.** Voting center hours shall be the same as permitted for an election pursuant to Iowa Code section 49.73.

**21.75(4) Publications.** The location of each voting center shall be published in the notice of election by the commissioner in the same manner as the location of polling places is required to be published. The notice of election shall also include a description of the voting center in substantially the following form:

For the \_\_\_\_\_ election to be held on [date], voting centers will be available. Any registered voter of [jurisdiction name] may vote at any of the following places in this election:

[List addresses of voting centers.]

**21.75(5) Posting notices at regular polling places on election day.** If voting centers are established in lieu of regular polling places for an election, the commissioner shall post a notice of voting center locations, not later than the hour at which the polls open on the day of the election, on each door to the usual polling place in the precinct. The notice shall remain posted until the polls have closed.

**21.75(6) I-Voters use prohibited.** The commissioner shall not provide direct access from voting centers to the I-Voters system on election day.

**21.75(7) Determining ballot rotations.** For the purposes of determining ballot rotations pursuant to Iowa Code section 49.31 in an election for which the commissioner has established voting centers, the commissioner may use either precincts established pursuant to Iowa Code sections 49.3 to 49.5 or consolidated precincts established pursuant to Iowa Code section 49.11, subsection 3, paragraph “a.” If the commissioner uses consolidated precincts established pursuant to Iowa Code section 49.11, subsection 3, paragraph “a,” the commissioner shall use the same consolidated precincts used in the last regularly scheduled election conducted for the political subdivision in which voting centers were not used.

**21.75(8) Operation of voting centers.**

*a. Election registers and voter lists.* Each voting center shall have an election register containing the names, addresses and voter statuses of all registered voters who are eligible to vote in that election. The election register may be a paper list or may be available on computers in an electronic format, rather than as an interactive connection to I-Voters.

*b. Election day registration at voting centers.* A person who needs to register to vote may register and vote at a voting center provided that the person has appropriate identification and is a resident of the jurisdiction served by the voting center.

*c. Voters reporting address changes at voting centers.* Any person who is already registered in the county and updates the person's voter registration address at a voting center shall show identification listed in Iowa Code section 48A.8. Persons unable to provide requested identification shall be offered a provisional ballot pursuant to Iowa Code section 49.81.

*d. Ballots.* Each voting center shall have all ballot styles necessary to provide a ballot to any voter who is eligible to vote in the election for the jurisdiction served by the voting center.

*e. Precinct election officials.* Voting centers shall be administered by a minimum of three precinct election officials selected pursuant to Iowa Code sections 49.12 to 49.16. These officials shall be trained before each election and shall have specific instructions regarding the differences between voting centers and polling places.

*f. Ballot boxes used with optical scan voting equipment at voting centers.* The commissioner may instruct two precinct election officials not of the same political party to open the ballot box periodically throughout election day to ensure the ballots are stacking evenly in the ballot box to prevent a voting equipment malfunction. The precinct election officials charged with inspecting the ballot box shall ensure the ballot box is locked and secured at all times. As an alternative to this procedure, the commissioner may supply any voting center with additional ballot boxes and the precinct election officials may move the optical scan voting equipment to a new ballot box if necessary. All ballot boxes containing voted ballots shall be locked and secured by the precinct election officials at all times.

**21.75(9) Postelection review of voter participation.**

*a.* Within 45 days after the election, the commissioner shall review the signed declarations of eligibility or the signed election registers from each voting center, and if any person is found to have voted in more than one voting center in the election, the commissioner shall immediately notify the county attorney.

*b.* The notice to the county attorney shall include a copy of the person's voter registration record and copies of the declarations of eligibility signed by the voter. The notice shall also include a reference to Iowa Code sections 39A.2(2) and 49.11(3) "b."

This rule is intended to implement Iowa Code sections 49.9 and 49.11.

[ARC 8045B, IAB 8/26/09, effective 7/27/09]

**721—21.76 to 21.99** Reserved.

**721—21.100(39A,47) Complaints concerning violations of Iowa Code chapters 39 through 53.** Rescinded ARC 0616C, IAB 2/20/13, effective 3/27/13.

**721—21.101 to 21.199** Reserved.

DIVISION II  
BALLOT PREPARATION

**721—21.200(49) Constitutional amendments and public measures.**

**21.200(1)** The order of placement on the ballot for constitutional amendments and statewide public measures to be voted upon at a single election shall be determined by the state commissioner, and a number shall be assigned to each constitutional amendment or statewide public measure by the state commissioner.

*a.* The number assigned by the state commissioner to each constitutional amendment or statewide public measure to appear on the ballot for a single election shall be printed on the ballot immediately preceding and above the words “Shall the following amendment to the Constitution (or public measure) be adopted?” or the words “Shall there be a Convention to revise the Constitution, and propose amendment or amendments to same?”

*b.* The number assigned by the state commissioner shall be printed on the ballot at least 1/8 of an inch high in the designated place.

*c.* Even if only one constitutional amendment or statewide public measure is to appear on a ballot to be voted upon at a single election, an identifying number shall be assigned by the state commissioner and shall be printed on the ballot in the prescribed manner.

**21.200(2)** The order of placement on the ballot for each local public measure to be voted upon at a single election shall be determined by the commissioner, and a letter shall be assigned to each local public measure by the commissioner.

*a.* The letter assigned by the commissioner shall be printed on the ballot at least 1/8 of an inch high in the designated place.

*b.* Even if only one public measure is to appear on a ballot to be voted upon at a single election, an identifying letter shall be assigned by the commissioner and shall be printed on the ballot in the prescribed manner.

**21.200(3)** The words describing proposed constitutional amendments and statewide public measures when they appear on the ballot shall be determined by the state commissioner. The state commissioner shall select the words describing the proposed constitutional amendments and statewide public measures in the following manner:

*a.* Not less than 150 days prior to the election at which a proposed constitutional amendment or statewide public measure is to be voted on by the voters, the state commissioner shall prepare a proposed description to be used on the ballots in administrative rule form and shall file the proposed rules with the administrative rules coordinator for publication in the Iowa Administrative Bulletin.

*b.* The rules shall provide that written comments regarding the proposed description will be accepted by the state commissioner for a period of time not less than 20 days after the date of publication in the Iowa Administrative Bulletin.

*c.* The state commissioner shall review any written comments which have been timely received and make any changes deemed to be warranted in the description to be printed on the ballots.

This rule is intended to implement Iowa Code sections 47.1 and 49.44.

[ARC 8045B, IAB 8/26/09, effective 7/27/09]

## **721—21.201(44) Competing nominations by nonparty political organizations.**

**21.201(1)** *Nominations by convention and by petitions.* If one or more nomination petitions are received from nonparty political organization candidates for an office for which the same organization has also nominated one candidate by convention, the candidate nominated by convention shall be considered the nominee of the organization. The names of the other candidates shall appear on the ballot as candidates “nominated by petition,” and those candidates shall be notified in writing not later than seven days after the close of the filing period.

**21.201(2)** *Multiple nomination petitions.* If nomination petitions are received from more than one candidate from the same nonparty political organization for the same office and the organization has not nominated a candidate for the office by convention, the name of each of these candidates shall be written on a separate piece of paper, all of which shall be as nearly uniform in size and material as possible and placed in a receptacle so that the names cannot be seen. On the next working day following the close of the nomination period, all affected candidates shall be notified of the time and place of the drawing. The candidates shall be invited to attend or to send a representative. In the presence of witnesses, the state commissioner of elections or the county commissioner, as appropriate, or a designee of the state or county commissioner, shall publicly draw one of the names; and that person shall be declared to be the nominee of the nonparty political organization. The names of the other candidates shall appear on the ballot as candidates “nominated by petition.” A copy of the written record of the result of the drawing

shall be kept with the nomination petition of each affected candidate, and each candidate shall be sent a copy for the candidate's records not later than seven days after the close of the filing period.

**21.201(3) *Multiple nomination certificates.*** If more than one nomination certificate is received for the same office from groups with the same nonparty political organization name, the name of each of these candidates shall be written on a separate piece of paper, all of which shall be as nearly uniform in size and material as possible and placed in a receptacle so that the names cannot be seen. On the next working day following the close of the nomination period, all affected candidates shall be notified of the time and place of the drawing. The candidates shall be invited to attend or to send a representative. In the presence of witnesses, the state commissioner of elections or the county commissioner, as appropriate, or a designee of the state or county commissioner, shall publicly draw one of the names; and that person shall be declared to be the nominee of the nonparty political organization. The names of the other candidates, including any candidate who filed nomination petitions, shall appear on the ballot as candidates "nominated by petition." A copy of the written record of the result of the drawing shall be kept with the nomination certificate of each affected candidate, and each candidate shall be sent a copy for the candidate's records not later than seven days after the close of the filing period.

This rule is intended to implement Iowa Code section 44.17.

**721—21.202(43,52) Form of primary election ballot.** All primary election ballots shall meet the following formatting requirements:

**21.202(1) *Required information.*** In addition to other requirements listed in the Iowa Code, primary election ballots shall also include the following information:

- a. The name of the election.
- b. The name of the party, which shall be printed at the top of the ballot in at least 24-point type.
- c. The name of the county.
- d. Instructions for how to mark the ballot.

**21.202(2) *Headings and lines.*** Rescinded IAB 9/8/10, effective 8/16/10.

**21.202(3) *Office titles and order of offices.*** Each office printed on the ballot shall be preceded by an office title. The order of offices on the primary election ballot shall be as follows:

a. In gubernatorial election years, the order of office titles on the primary election ballot shall be listed as follows:

- (1) U.S. Senator (if any).
- (2) U.S. Representative, District \_\_\_\_.
- (3) Governor.
- (4) Secretary of State.
- (5) Auditor of State.
- (6) Treasurer of State.
- (7) Secretary of Agriculture.
- (8) Attorney General.
- (9) State Senator, district \_\_\_\_ (if any).
- (10) State Representative, District \_\_\_\_.
- (11) Board of Supervisors (if plan II or plan III, then Board of Supervisors, District \_\_\_\_).
- (12) Treasurer.
- (13) Recorder.
- (14) County Attorney.

b. In presidential election years, the order of office titles on the primary election ballot shall be listed as follows:

- (1) U.S. Senator (if any).
- (2) U.S. Representative, District \_\_\_\_.
- (3) State Senator, District \_\_\_\_ (if any).
- (4) State Representative, District \_\_\_\_.
- (5) Board of Supervisors (if plan II or plan III, then Board of Supervisors, District \_\_\_\_).
- (6) Auditor.

(7) Sheriff.

c. If an office is printed on the primary election ballot followed by the words “To Fill Vacancy,” that office shall be listed after the other offices under the appropriate heading. If the office followed by the words “To Fill Vacancy” is the board of supervisors, that office shall appear after the other board of supervisors office(s).

**21.202(4) *Vote for number.*** Under each office title, the number of choices a voter may make in the race shall be printed in the following form: “Vote for no more than \_\_\_\_.” The number of choices the voter may make for each race is the number of individuals to be elected to the office at the general election.

**21.202(5) *Write-in vote targets.*** After the candidates’ names for each office (if any), a target shall be placed next to a line for voters to write in a nominee for the office. The number of write-in targets and lines printed under each office shall match the vote for number referenced in subrule 21.202(4). Under each write-in line, the following words shall be printed: “Write-in vote, if any.”

**21.202(6) *Font size.*** Candidates’ names shall be printed in upper and lower case letters, and the font size shall be no less than 10-point type.

**21.202(7) *Two-sided ballots.*** If a primary election ballot must be printed on two sides, the words “Turn the ballot over” shall be printed on both sides of the ballot, at the bottom.

This rule is intended to implement 2009 Iowa Code Supplement section 43.31 [2009 Iowa Acts, House File 475, section 6].

[ARC 8698B, IAB 4/21/10, effective 6/15/10; ARC 9049B, IAB 9/8/10, effective 8/16/10]

**721—21.203(49,52) Form of general election ballot.** All general election ballots shall meet the following formatting requirements:

**21.203(1) *Required information.*** In addition to other requirements listed in the Iowa Code, general election ballots shall also include the following information:

- a. The name of the election.
- b. The name of the county.
- c. Instructions for how to mark the ballot, including instructions for voting on judicial retentions and constitutional amendments or public measures and instructions for straight-party voting.
- d. Ballot location of the judges’ names and any constitutional amendment(s).

**21.203(2) *Headings and lines.*** Rescinded IAB 9/8/10, effective 8/16/10.

**21.203(3) *Office titles, order of offices and public measures.*** Each office printed on the ballot shall be preceded by an office title. The order of offices and public measures listed on the general election ballot shall be as follows:

a. In gubernatorial election years, the order of office titles and public measures on the general election ballot shall be listed as follows:

- (1) U.S. Senator (if any).
- (2) U.S. Representative, District \_\_\_\_.
- (3) Governor and Lt. Governor.
- (4) Secretary of State.
- (5) Auditor of State.
- (6) Treasurer of State.
- (7) Secretary of Agriculture.
- (8) Attorney General.
- (9) State Senator, District \_\_\_\_ (if any).
- (10) State Representative, District \_\_\_\_.
- (11) Board of Supervisors (if plan II or plan III, then Board of Supervisors, District \_\_\_\_).
- (12) Treasurer.
- (13) Recorder.
- (14) County Attorney.
- (15) Township Trustee (if any).
- (16) Township Clerk (if any).
- (17) County Public Hospital Trustee (if any).

(18) Soil and Water Conservation District Commissioner.

(19) County Agricultural Extension Council Member.

(20) Other nonpartisan offices (if any).

(21) Supreme Court Justice (if any).

(22) Court of Appeals Judge (if any).

(23) District Court Judge (if any).

(24) District Court Associate Judge (if any).

(25) Associate Juvenile Judge (if any).

(26) Associate Probate Judge (if any).

(27) Public Measures (if any). Under the public measures heading, measures shall be listed in the following order:

1. Constitutional Amendment (if any).

2. State Public Measure (if any).

3. County Public Measure (if any).

4. City Public Measure (if any).

b. In presidential election years, the order of office titles on the general election ballot shall be listed as follows:

(1) President and Vice President.

(2) U.S. Senator (if any).

(3) U.S. Representative, District \_\_\_\_.

(4) State Senator, District \_\_\_\_ (if any).

(5) State Representative, District \_\_\_\_.

(6) Board of Supervisors (if plan II or plan III, then Board of Supervisors, district \_\_\_\_).

(7) Auditor.

(8) Sheriff.

(9) Township Trustee (if any).

(10) Township Clerk (if any).

(11) County Public Hospital Trustee (if any).

(12) Soil and Water Conservation District Commissioner.

(13) County Agricultural Extension Council Member.

(14) Other nonpartisan offices (if any).

(15) Supreme Court Justice (if any).

(16) Court of Appeals Judge (if any).

(17) District Court Judge (if any).

(18) District Court Associate Judge (if any).

(19) Associate Juvenile Judge (if any).

(20) Associate Probate Judge (if any).

(21) Public Measures (if any). Under the public measures heading, measures shall be listed in the following order:

1. Constitutional Amendment (if any).

2. State Public Measure (if any).

3. County Public Measure (if any).

4. City Public Measure (if any).

c. If an office is printed on the general election ballot followed by the words "To Fill Vacancy," that office shall be listed after the other offices under the appropriate heading. If the office followed by the words "To Fill Vacancy" is the board of supervisors, that office shall appear after the other board of supervisors office(s).

**21.203(4) *Vote for number.*** Under each office title, the number of choices a voter may make in the race shall be printed in the following form: "Vote for no more than \_\_\_\_". The number of choices the voter may make for each race is the number of individuals to be elected to the office at the general election. Under the "President and Vice President" office title, "Vote for no more than one team" shall be printed

on the ballot. Under the “Governor and Lt. Governor” office title, “Vote for no more than one team” shall be printed on the ballot.

**21.203(5) *Write-in vote targets.*** After the candidates’ names for each office (if any), a target shall be placed next to a line for voters to write in a nominee for the office. The number of write-in targets and lines printed under each office shall match the vote for number referenced in subrule 21.203(4). Under each write-in line, the following words shall be printed: “Write-in vote, if any”. For the offices of President and Vice President, there shall be one write-in target printed to the left of two write-in lines. Under the write-in lines, the commissioner shall print the following: “Write-in vote for President, if any” and “Write-in vote for Vice President, if any”. For the offices of governor and lieutenant governor, there shall be one write-in target printed to the left of two write-in lines. Under the write-in lines, the commissioner shall print the following: “Write-in vote for Governor, if any” and “Write-in vote for Lt. Governor, if any”.

**21.203(6) *Font size.*** Candidates’ names shall be printed in upper and lower case letters, and the font size shall be no less than 10-point type.

**21.203(7) *Two-sided ballots.*** If a general election ballot must be printed on two sides, the words “Turn the ballot over” shall be printed on both sides of the ballot, at the bottom.

**21.203(8) *Separate judicial ballot.*** The judicial ballot shall be separate from the rest of the ballot and shall be conspicuously distinguished by headings and lines.

This rule is intended to implement 2009 Iowa Code Supplement section 49.57A [2009 Iowa Acts, House File 475, section 32].

[ARC 8698B, IAB 4/21/10, effective 6/15/10; ARC 9049B, IAB 9/8/10, effective 8/16/10; ARC 0107C, IAB 4/18/12, effective 3/30/12]

**721—21.204(260C) *Tabulating election results by school district for merged area special elections.*** All results for merged area special elections, including special precinct results, shall be tabulated by school district. To tabulate the special precinct results in this manner, the county commissioner may either program the voting equipment to tabulate the ballots in this manner or manually sort and tabulate the ballots by school district.

This rule is intended to implement Iowa Code chapter 260C.  
[ARC 9879B, IAB 11/30/11, effective 1/4/12]

**721—21.205 to 21.299** Reserved.

#### DIVISION III ABSENTEE VOTING

**721—21.300(53) *Satellite absentee voting stations.***

**21.300(1) *Establishment of stations.*** Satellite absentee voting stations may be established by the county commissioner of elections or by a petition of eligible electors of the jurisdiction conducting the election.

*a. Satellite absentee voting stations established by the county commissioner.* The county commissioner of elections may designate locations in the county for satellite absentee voting stations. Satellite absentee voting stations established by the commissioner shall be accessible to elderly and disabled voters. Satellite absentee voting stations must also be established so as to provide for voting in secret and ballot security.

*b. Satellite absentee voting stations established after receipt of a valid petition.* A petition requesting a satellite absentee voting station shall be substantially in the form titled “Petition Requesting Satellite Absentee Voting Station” available on the state commissioner’s Web site. If the commissioner receives a petition requesting a satellite absentee voting station on or before the petition deadline set forth in Iowa Code section 53.11, the commissioner shall determine the validity of the petition within 24 hours. A petition requesting a satellite absentee voting station is valid if it contains signatures of not less than 100 eligible electors of the jurisdiction conducting the election. Electors signing the petition must include their signature, house number, street, and date the petition was signed. Signatures on

lines not containing all of the required information shall not be counted. The heading on each page of the petition shall include the satellite location requested and the election name or date for which the location is requested. Signatures on petition pages without the required heading shall not be counted.

*c. Mandatory rejection of certain satellite absentee voting stations.* Otherwise valid petitions for satellite absentee voting stations shall be rejected within four days of the commissioner's receipt of the petition if:

- (1) The site requested is not accessible to elderly and disabled voters,
- (2) The site requested has other physical limitations that make it impossible to meet the requirements for ballot security and secret voting, or
- (3) The owner of the site refuses permission to locate the satellite absentee voting station at the site requested on the petition.

*d. Discretionary rejection of certain satellite absentee voting stations.* Otherwise valid petitions for satellite absentee voting stations may be rejected within four days of the commissioner's receipt of the petition if:

- (1) A petition is received requesting satellite voting for a city runoff election and a special election is scheduled to be held between the regular city election and a city runoff election.

- (2) The owner of the site demands payment for its use.

*e. Provision of ballots.* Only ballots from the county in which the site is located may be provided at the satellite absentee voting station. Ballots must be provided for the precinct in which the satellite absentee voting station is located; however, it is not necessary to provide ballots from all of the precincts in the political subdivision for which the election is being conducted.

**21.300(2) Notice provided.** Notice shall be published at least seven days before the opening of any satellite absentee voting station. If more than one satellite absentee voting station will be provided, a single publication may be used to notify the public of their availability. If it is not possible to publish the notice at least seven days before the station opens due to the receipt of a petition, the notice shall be published as soon as possible.

A notice shall also be posted at each satellite absentee voting station at least seven days before the opening of the satellite absentee voting station. The notice shall remain posted as long as the satellite absentee voting station is scheduled for service. If it is not possible to post the notice at least seven days before the station opens due to the receipt of a petition, the notice shall be posted as soon as possible.

Both the published and posted notices shall include the following information:

- a.* The name and date of the election for which ballots will be available.
- b.* The location(s) of the satellite absentee voting station(s).
- c.* The dates and times that the station(s) will be open.
- d.* The precincts for which ballots will be available.
- e.* An announcement that voter registration forms will be available for new registrations in the county and that changes in the registration records of people who are currently registered within the county may be made at any time.

If the satellite absentee voting station is located in a building with more than one public entrance, brief notices of the location of the satellite absentee voting station shall be posted on building directories, bulletin boards, or doors. These notices shall be posted no later than the time the station opens and shall be removed immediately after the satellite absentee voting station has ceased operation for an election.

**21.300(3) Staff.** Satellite absentee voting station workers may be selected from among the staff members of the commissioner's office, from the election board panel drawn up pursuant to Iowa Code sections 49.15 and 49.16, or a combination of these two sources. Compensation of workers selected from the election board panel shall be at the rate provided in Iowa Code section 49.20.

At least three people shall be assigned to work at each satellite absentee voting station; more workers may be added at the commissioner's discretion. All workers must be registered voters of the county, and for primary and general elections the workers must be registered with a political party; however, workers not affiliated with any party may be assigned to work at a satellite absentee voting station as long as not more than one-third of the workers assigned to a particular satellite absentee voting station

are not affiliated with a political party. For all elections, no more than a simple majority of the workers shall be members of the same political party.

People who are prohibited from working at the polls pursuant to Iowa Code section 49.16 may not work at satellite absentee voting stations.

**21.300(4) *Oath required.*** Before the first day of service at a satellite absentee voting station, each worker shall take an oath substantially in the form titled “Election Official/Clerk Oath” available on the state commissioner’s Web site. The oath must be taken before each election.

**21.300(5) *Suggested supplies for each satellite absentee voting station.*** A list of supplies suggested for each satellite absentee voting station is available on the state commissioner’s Web site.

**21.300(6) *Ballot transport and storage.*** At the commissioner’s discretion the ballots may be transported between the commissioner’s office and the satellite absentee voting station by the workers who will be on duty that day, or by two people of different political parties who have been designated as couriers by the commissioner. It is not necessary for the same people to transport the ballots in both directions.

If the ballots are transported by the satellite absentee voting station workers, two workers who are members of different political parties and the ballots must travel together in the same vehicle.

Ballots may be stored at the satellite absentee voting station during hours when the station is closed only if they are kept in a locked cabinet or container. The cabinet must be located in a room which is kept locked when not in use. Voted absentee ballots must be delivered to the commissioner’s office at least once each week.

**21.300(7) *Ballot receipts.*** Satellite absentee voting station workers shall sign receipts for the ballots taken to the satellite absentee voting site. The receipt shall be substantially in the form titled “Satellite Absentee Voting Station Ballot Record and Receipt” available on the state commissioner’s Web site. A copy of the ballot record and receipt shall be retained in the commissioner’s office. The original shall be sent with the ballots to the satellite absentee voting station.

**21.300(8) *Arrangement of the satellite absentee voting station.*** Protection of the security of the ballots (both voted and unvoted) and the secrecy of each person’s vote shall be considered in the arranging of the satellite absentee voting station.

*a. Security.* The satellite absentee voting station shall be arranged so that ballots are protected against removal from the station by unauthorized persons.

*b. Voting area.* Voting booths without curtains shall be placed so that passersby and other voters may not walk directly behind a person using the booth. At least one voting booth must be accessible to the disabled. The booth must be designed to accommodate a person seated in a chair or wheelchair. A chair must be provided for voters who wish to sit down while voting or waiting in line.

*c. Campaign signs and electioneering.* No signs supporting or opposing any candidate or question on the ballot shall be posted on the premises of or within 300 feet of any outside door of any building affording access to a satellite absentee voting station during the hours when absentee ballots are available at the satellite absentee voting station. No electioneering shall be allowed within the sight or hearing of voters while they are at the satellite absentee voting station.

**21.300(9) *Operation of the satellite absentee voting station.*** At all times the satellite absentee voting station shall have at least two workers present to preserve the security of the ballots, both voted and unvoted.

**21.300(10) *Voter registration at the satellite absentee voting station.*** Each satellite absentee voting station shall provide forms necessary to register voters, including the oaths necessary to process voters registering pursuant to Iowa Code section 48A.7A, and to record changes in voter registration records. Workers shall also be provided with a method of verifying whether people applying for absentee ballots are registered voters.

The commissioner may provide a list of registered voters in the precincts served by the station. The list may be on paper or contained in a computerized data file. As an alternative, the commissioner may provide a computer connection with the commissioner’s office.

**21.300(11) *Procedure for issuing absentee ballot.*** The instructions for absentee voting are available on the state commissioner’s Web site and shall be provided to satellite absentee voting station workers

unless the commissioner prepares instructions containing substantially the same information as the instructions available on the state commissioner's Web site.

**21.300(12) *Closing a station.*** The instructions for closing a satellite absentee voting station are available on the state commissioner's Web site and shall be provided to satellite absentee voting station workers unless the commissioner prepares instructions containing substantially the same information as the instructions available on the state commissioner's Web site.

**21.300(13) *Use of I-Voters at satellite absentee voting stations.*** Any county commissioner who wants to use the I-Voters statewide voter registration database at a satellite absentee voting station shall:

*a.* Complete an application to use I-Voters at a satellite absentee voting station. A separate application shall be completed for each satellite absentee voting station. The application is available on the state commissioner's Web site. The application shall be submitted at least seven days before the opening of the satellite absentee voting station. If it is not possible to submit an application at least seven days before the station opens due to the receipt of a petition, the application shall be submitted as soon as possible. The application will be considered by the state commissioner as soon as practicable after it is received. The state commissioner reserves the right to reject an application for any reason or to limit the number of users at any satellite absentee voting station.

*b.* Use a cellular telephone service or a wired Internet connection to connect to the Internet from the satellite absentee voting station. If the county uses a wired Internet connection, the commissioner shall use either a regular or a wireless router between the wired Internet connection and the county's computers. Connection to a facility's wireless network is not permitted.

*c.* Configure any wireless routers to be used between the facility's wired Internet connection and the county's laptop computers as follows:

- (1) A minimum 10-character password must be assigned to the router administration screens.
- (2) WPA (AES) security for wireless connections with a minimum 10-character password must be used.
- (3) Remote management of the router must be prohibited.
- (4) Universal Plug & Play must be turned off.
- (5) Port forwarding on the router must not be disabled.
- (6) Unauthorized connections shall be prohibited, including smartphones, personal digital assistants (PDAs) and laptops.

*d.* Configure any wired routers to be used between the facility's wired Internet connection and the county's laptop computers as follows:

- (1) Remote management of the router must be prohibited.
- (2) Universal Plug & Play must be turned off.
- (3) Port forwarding on the router must not be disabled.
- (4) Unauthorized connections shall be prohibited, including smartphones, PDAs and laptops.
- (5) Administrator passwords for the routers must be changed from the default passwords, and standard county password policies shall be followed.

*e.* Laptops used at a satellite absentee voting station shall be configured as follows:

- (1) The hard drives must be encrypted.
- (2) The operating system must be fully supported by the operating system vendor.
- (3) The operating system must be fully patched.
- (4) Antivirus software and anti-spyware must be installed and up to date.
- (5) A full antivirus and anti-spyware scan must be done during the week before a laptop is used at a satellite absentee voting station and at least once a week thereafter while the laptop is being used at satellite absentee voting stations.

(6) The administrator password must be changed from the default password.

(7) Guest user accounts must be disabled or renamed.

(8) File/print sharing must be turned off, and remote access must be disabled.

(9) Bluetooth must be turned off.

(10) The Windows firewall must be turned on.

*f.* Laptops connected to I-Voters at a satellite absentee voting station shall never be left unattended.

g. Laptops connected to I-Voters at a satellite absentee voting station shall not have any USB memory sticks or CDs/DVDs inserted in the computer after the virus scan is conducted pursuant to subrule 21.300(13), paragraph “e.”

h. Laptops connected to I-Voters at a satellite absentee voting station shall not be used to visit any other Web sites.

i. No software applications, other than I-Voters, shall be used while the I-Voters application is in use at a satellite absentee voting station.

**21.300(14) Provisional voting at satellite absentee voting stations.** If it is necessary for a voter to cast a provisional ballot at a satellite absentee voting station, the voter shall receive the same ballot style as the majority of the voters would receive in the precinct in which the satellite absentee voting station is located.

This rule is intended to implement Iowa Code section 53.11.

[ARC 8045B, IAB 8/26/09, effective 7/27/09; ARC 9139B, IAB 10/6/10, effective 9/16/10; ARC 9989B, IAB 2/8/12, effective 1/17/12]

**721—21.301(53) Absentee ballot requests from voters whose registration records are “inactive.”**

**21.301(1) In person.** Absentee voters whose registration records are “inactive” and who appear in person to vote, either at the office of the commissioner or at a satellite absentee voting station, shall be assigned a status of “active” after requesting an absentee ballot.

**21.301(2) By mail.** When a request for an absentee ballot is received by mail from a voter whose registration record has been made “inactive” pursuant to Iowa Code section 48A.29, the commissioner shall update the voter’s residential address to the address listed on the absentee ballot request if requested by the voter and assign the voter a status of “active.”

**21.301(3) Absentee ballots received from a voter subsequently assigned “inactive” status.**

a. The commissioner shall mail an absentee ballot to a voter if a voter’s status is changed to “inactive” between the time the voter requested an absentee ballot and the time the absentee ballots are ready to mail. The commissioner shall also separately notify the voter of the requirement to provide identification before the ballot can be counted pursuant to paragraph 21.301(3) “c.”

b. The commissioner shall set aside the absentee ballot of a voter whose status is changed to “inactive” pursuant to Iowa Code section 48A.26, subsection 6, after the voter has submitted the voter’s absentee ballot.

c. Pursuant to Iowa Code section 53.31, the commissioner shall notify any voter assigned an “inactive” status subsequent to requesting or returning an absentee ballot that the voter’s absentee ballot has been challenged and may be counted only if the voter personally delivers or mails a copy of the voter’s identification as listed in Iowa Code section 48A.8 to the commissioner’s office before the absentee and special voters precinct board convenes to count absentee ballots, or reconvenes to consider challenged absentee ballots pursuant to Iowa Code section 50.22. If the commissioner does not receive a copy of the voter’s identification before the absentee and special voters precinct board reconvenes to consider challenged absentee ballots pursuant to Iowa Code section 50.22, the absentee and special voters precinct board shall reject the absentee ballot.

This rule is intended to implement Iowa Code section 48A.29 and sections 48A.26, 48A.37 and 53.25 as amended by 2009 Iowa Acts, House File 475.

[ARC 8045B, IAB 8/26/09, effective 7/27/09; ARC 9989B, IAB 2/8/12, effective 1/17/12]

**721—21.302(48A) In-person absentee registration.** After the close of voter registration for an election, a person who appears in person to apply for and vote an absentee ballot may register to vote if the person provides proof of identity and residence in the precinct in which the voter intends to vote using identification that meets the requirements set forth in Iowa Code section 48A.7A. The voter must also complete an oath of person registering on election day. If the voter does not have appropriate identification, the voter may establish identity and residence using the attestation procedure in Iowa

Code section 48A.7A, subsection 1, paragraph “c.” Otherwise, the person may cast only a provisional ballot pursuant to Iowa Code section 49.81. Provisional ballot envelopes shall be used.

This rule is intended to implement Iowa Code section 48A.7A.

[ARC 8045B, IAB 8/26/09, effective 7/27/09]

**721—21.303(53) Mailing absentee ballots.** The commissioner shall mail the following materials to each person who has requested an absentee ballot:

1. Ballot. The ballot that corresponds to the voter’s residence, as indicated by the residential address on the absentee ballot application.
2. Public measure text. The full text of any public measures that are summarized on the ballot, but not printed in full.
3. Secrecy envelope. Secrecy envelope, if the ballot cannot be folded to cover all of the voting ovals, as required by Iowa Code section 53.8(1).
4. Affidavit envelope. The affidavit envelope, which shall be marked with the I-Voters-assigned sequence number used to identify the absentee request in the commissioner’s records.
5. Return envelope. The return envelope, which shall be addressed to the commissioner’s office and bear appropriate return postage or a postal permit guaranteeing that the commissioner will pay the return postage and which shall be marked with the I-Voters-assigned sequence number used to identify the absentee request in the commissioner’s records. All domestic and UOCAVA return envelope flaps or backs shall also be printed or stamped with a notice in substantially the following form: “This ballot will only be eligible for counting if it is received by the auditor’s office before the polls close on election day or postmarked before election day and received by the deadline listed in the voting instructions included with this ballot. **Postmarks are not guaranteed!** Mail the ballot early to make sure it is received on time. Track the status of your absentee ballot at [www.sos.iowa.gov](http://www.sos.iowa.gov).”
6. Delivery envelope. The delivery envelope, which shall be addressed to the voter and bear the I-Voters-assigned sequence number used to identify the absentee request in the commissioner’s records. All other materials shall be enclosed in the delivery envelope.
7. Instructions. Absentee voting instructions, which shall be in the form required by rule 721—22.250(52).
8. Receipt. The receipt form required by Iowa Code section 53.3, which may be printed on the instructions required by numbered paragraph “7” above.

This rule is intended to implement Iowa Code sections 53.8 and 53.17.

[ARC 8045B, IAB 8/26/09, effective 7/27/09; ARC 0107C, IAB 4/18/12, effective 3/30/12]

**721—21.304(53) Absentee ballot requests from voters whose registration records are “pending.”** A voter who requests an absentee ballot and is assigned a status of “pending” must provide identification pursuant to Iowa Code section 48A.8 as amended by 2009 Iowa Acts, House File 475.

**21.304(1) In-person applicants.** In-person applicants for absentee ballots assigned a status of “pending” must show identification pursuant to Iowa Code section 48A.8 as amended by 2009 Iowa Acts, House File 475, before casting a ballot. If an in-person applicant provides identification as required by Iowa Code section 48A.8 when casting an absentee ballot in person, the commissioner shall assign the voter’s registration record a status of “active” and provide the voter with an absentee ballot. Voters who are unable to provide identification as required by Iowa Code section 48A.8 shall be offered a provisional ballot pursuant to Iowa Code section 49.81.

**21.304(2) By-mail applicants.** By-mail applicants for absentee ballots assigned a status of “pending” must either come to the commissioner’s office and show identification pursuant to Iowa Code section 48A.8 as amended by 2009 Iowa Acts, House File 475, or mail a photocopy of identification pursuant to Iowa Code section 48A.8 before the voter’s absentee ballot can be counted by the absentee and special voters precinct board. The commissioner shall mail the voter a notice informing the voter of the requirement to provide one of the identification documents listed in Iowa Code section 48A.8 before the voter’s absentee ballot can be considered for counting by the absentee and special voters precinct board. If a by-mail applicant provides identification as required by Iowa Code section 48A.8, the commissioner shall assign the voter’s registration record a status of “active.”

**21.304(3)** *By-mail absentee voters assigned a status of “pending” who do not provide identification prior to election day.* The ballot of a by-mail absentee voter assigned a status of “pending” who has not shown identification in person at the commissioner’s office or provided a photocopy of identification by mail pursuant to Iowa Code section 48A.8 as amended by 2009 Iowa Acts, House File 475, shall be challenged by a member of the absentee and special voters precinct board on election day pursuant to Iowa Code section 53.31. The absentee and special voters precinct board shall immediately mail notice of the challenge to the voter. The notice shall include the deadline for the voter to provide identification pursuant to Iowa Code section 48A.8. If the voter provides identification pursuant to Iowa Code section 48A.8 prior to the time the absentee and special voters precinct board reconvenes to consider challenged absentee ballots pursuant to Iowa Code section 50.22, the voter’s ballot shall be considered for counting by the absentee and special voters precinct board. If the voter does not provide identification pursuant to Iowa Code section 48A.8 prior to the time the absentee and special voters precinct board reconvenes to consider challenged absentee ballots pursuant to Iowa Code section 50.22, the voter’s absentee ballot shall be rejected by the absentee and special voters precinct board. The voter shall be notified of the reason for rejection pursuant to Iowa Code section 53.25 as amended by 2009 Iowa Acts, House File 475.

This rule is intended to implement Iowa Code section 53.31 and sections 48A.8 and 53.25 as amended by 2009 Iowa Acts, House File 475.

[ARC 8045B, IAB 8/26/09, effective 7/27/09]

**721—21.305(53) Confirming commissioner’s receipt of an absentee ballot on election day.** If a voter’s name is on the absentee list prepared pursuant to Iowa Code sections 49.72 and 53.19 as amended by 2010 Iowa Acts, Senate File 2196, and the voter appears at the polling place to vote on election day, the precinct election officials may contact the commissioner’s office to confirm whether the commissioner has received the voter’s absentee ballot. If the precinct election officials are able to confirm either that the commissioner has not received the voter’s absentee ballot or that the voter’s absentee ballot has been received but cannot be counted due to a defective or incomplete affidavit, the precinct election officials shall permit the voter to cast a regular ballot at the polling place.

After confirming that a voter’s absentee ballot has not been received or that a voter’s absentee ballot has been received but cannot be counted due to a defective or incomplete affidavit, the commissioner shall mark the voter’s absentee ballot as “Void” in the statewide voter registration system. The commissioner shall enter “Voted at polls” in the comment box that appears when the ballot is marked as “Void.”

If a voter’s absentee ballot is returned to the commissioner’s office after being marked as “Void” pursuant to this rule, the absentee ballot shall be rejected by the absentee and special voters precinct board pursuant to Iowa Code section 53.25 because the voter cast a ballot in person at the polling place.

This rule is intended to implement Iowa Code sections 49.72, 49.81 and 53.19 as amended by 2010 Iowa Acts, Senate File 2196.

[ARC 8779B, IAB 6/2/10, effective 7/1/10]

**721—21.306 to 21.319** Reserved.

**721—21.320(53) Absentee voting by UOCAVA voters.** This rule applies only to absentee voting by persons who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and Iowa Code chapter 53, division II, “Absent Voting by Armed Forces.”

**21.320(1) Definitions.** The following definitions apply to this rule:

“*Armed forces*,” as used in this rule, is defined in Iowa Code section 53.37(3).

“*FPCA*” means the federal postcard absentee ballot application and voter registration form authorized for use in Iowa by Iowa Code section 53.38.

“*UOCAVA voter*” means any person who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and Iowa Code chapter 53, division II, “Absent Voting by Armed Forces.”

**21.320(2) Requests for absentee ballots.** All requests for absentee ballots shall be made in writing. Additional requirements for requesting absentee ballots and for processing the requests are set forth below.

*a. Forms.* UOCAVA voters may use the following official forms to request absentee ballots:

- (1) A federal postcard absentee ballot application and voter registration form (FPCA).
- (2) A state of Iowa official absentee ballot request form.
- (3) For general elections only, a proxy absentee ballot application prescribed by the state commissioner of elections and submitted pursuant to Iowa Code Supplement section 53.40(1) "b."

*b. Form not required.* UOCAVA voters may request absentee ballots in writing without using an official form. The written request shall be honored if it includes all of the following information about the voter:

- (1) Name.
- (2) Age or date of birth.
- (3) Iowa residence, including street address (if any) and city.
- (4) Address to which the ballot shall be sent.
- (5) Township of residence, if applicable.
- (6) County of residence.
- (7) Party affiliation, if the request is for a ballot for a primary election.
- (8) Signature of voter.
- (9) Statement explaining why the voter is eligible to receive ballots under the provisions of Iowa Code chapter 53, division II. For example, "I am a U.S. citizen living in France."

*c. Methods for transmitting absentee ballot requests.* UOCAVA voters may transmit absentee ballot requests by any of the following methods:

- (1) Mail.
- (2) Personal delivery by the voter or a person designated by the voter.
- (3) Facsimile machine.
- (4) Scanned application form or letter transmitted by E-mail. Requests by E-mail that do not include an image of the voter's written signature as defined by Iowa Code section 39.3, subsection 17, shall not be accepted.

*d. Original request not needed.* If the request is sent by E-mail or by fax, it is not necessary for the UOCAVA voter to send to the commissioner the original copy of the FPCA or other official form or written request for an absentee ballot.

*e. Multiple requests from the same person.* Before the ballot is ready to mail, if the commissioner receives more than one request for an absentee ballot for a particular election (or series of elections) by or on behalf of a UOCAVA voter, the last request received shall be the one honored. However, if one of the requests is for a general election ballot and is made using the proxy absentee ballot application process permitted by Iowa Code Supplement section 53.40(1) "b," the request received from the voter shall be the one honored, not the proxy request.

*f. Subsequent request after ballot has been sent.* Not more than one ballot shall be transmitted by the commissioner to any UOCAVA voter for a particular election unless, after the ballot has been mailed or transmitted electronically pursuant to rule 721—21.320(53), the voter reports a change in the address, E-mail address or fax number to which the ballot should be sent. The commissioner shall void the original absentee ballot request and include a comment in the voter's registration record, noting the I-Voters-sequence number of the original ballot and noting that a replacement ballot was sent to an updated address. If the original ballot is returned voted, it shall be counted only if the replacement ballot does not arrive before the deadline for receiving absentee ballots set forth in Iowa Code section 53.17.

*g. Requests for absentee ballots through the end of the calendar year.* 2009 Iowa Code Supplement section 53.40 as amended by 2010 Iowa Acts, Senate File 2194, permits UOCAVA voters to request the commissioner to send absentee ballots for all elections as permitted by state law. In response to an absentee ballot request in which the UOCAVA voter requests ballots for all elections, the commissioner shall send the applicant a ballot for each election held after the request is received through the end of the calendar year in which the request is received. If the applicant does not request ballots for all elections

or does not specify which elections the request is for, the commissioner shall send the applicant a ballot only for federal elections through the end of the calendar year in which the request is received.

(1) When an absentee ballot for a UOCAVA voter is returned as undeliverable by the United States Postal Service or an E-mail server or a fax cannot be transmitted to the number provided by the voter, the commissioner shall do the following:

1. Verify that the commissioner's office sent the absentee ballot to the address, E-mail address or fax number requested by the UOCAVA voter. If the absentee ballot was sent incorrectly, the commissioner shall correct the error and immediately transmit a new absentee ballot.

2. If the absentee ballot was sent to the correct mailing address, E-mail address or fax number, the commissioner shall E-mail the voter if the commissioner has an E-mail address on file to inform the voter that the voter's ballot was returned undeliverable, and the commissioner must be provided with a new FPCA containing a new mailing address if the voter wishes to continue to receive absentee ballots.

3. If the absentee ballot was sent to the correct mailing address, E-mail address or fax number, the commissioner shall also attempt to contact the voter by sending a forwardable notice to both the voter's residential address and the voter's absentee mailing address informing the voter that the voter's ballot was returned undeliverable, and the commissioner must be provided with a new FPCA containing a new mailing address, E-mail address or fax number if the voter wishes to continue to receive absentee ballots.

4. If the absentee ballot was mailed, E-mailed or sent to the correct address or fax number, the commissioner shall terminate the voter's current FPCA request and shall not send the voter any further ballots unless a new absentee ballot request is received from the voter.

(2) If the voter provides a new FPCA with a new mailing address, E-mail address or fax number before election day, the commissioner shall enter a new absentee request on the voter's registration record and transmit the ballot via the method requested by the voter. The voter may request that the commissioner transmit the ballot electronically pursuant to subrule 21.320(3).

**21.320(3)** *Electronic transmission of absentee ballots to UOCAVA voters.*

a. Electronic transmission of absentee ballots by facsimile machine or by E-mail is limited to UOCAVA voters who specifically ask for this service. A UOCAVA voter who asks for electronic transmission of an absentee ballot may request this service for all elections for which the person is qualified to vote or for specific elections either individually or for a specific period of time. The commissioner may employ FVAP's secure transmission program to facilitate electronic transmission of absentee ballots to UOCAVA voters.

b. Forms. The state commissioner shall provide the following forms and instructions for the electronic transmission of absentee ballots to UOCAVA voters:

(1) Instructions to the county commissioners of elections for providing this service.

(2) Instructions to the voter for marking and returning the ballot.

(3) The affidavit envelope form, which can be printed by the voter on an envelope and used for the voter's declaration of eligibility and voter registration application, if necessary.

(4) The return envelope form, which can be printed by the voter on an envelope and used to return the ballot, postage paid through the FPO/APO postal service.

**21.320(4)** *Ballot return by electronic transmission.*

a. Electronic transmission of a voted absentee ballot from the voter to the commissioner is permitted only for UOCAVA voters who are located in an area designated as an imminent danger pay area or for active members of the army, navy, marine corps, merchant marine, coast guard, air force or Iowa national guard who are located outside the United States or any of its territories, as provided in subrule 21.1(13). In addition, the absentee ballot may be returned via electronic transmission only if the voter waives the right to a secret ballot. In addition to signing the affidavit required by Iowa Code section 53.13, the voter shall sign a statement in substantially the following form: "I understand that by returning this ballot by electronic transmission, my voted ballot will not be secret. I hereby waive my right to a secret ballot."

b. When an absentee ballot is received via electronic transmission, the person receiving the transmission shall examine it to determine that all pages have been received and are legible. The person receiving an electronic transmission shall not reveal how the voter voted.

c. The absentee ballot shall be sealed in an envelope marked with the voter's name. The affidavit of the voter and the application for the ballot shall be attached to the envelope. These materials shall be stored with other returned absentee ballots.

d. The deadline for returning an absentee ballot pursuant to this subrule is the close of polls on election day, Central Standard Time.

**21.320(5) Original signature for voter registration record.** Voters must submit original signatures on voter registration applications unless otherwise provided by this subrule.

a. *UOCAVA voters ineligible to return voted balloting materials electronically.* UOCAVA voters who are not currently registered to vote in a county and are not eligible to return voted ballot materials electronically pursuant to this rule shall submit an original, signed application for voter registration. The application may be the Iowa voter registration application, the National Mail Voter Registration Form, a Federal Post Card Application, a declaration/affirmation accompanying a federal write-in absentee ballot or a signature on a voted UOCAVA absentee ballot affidavit. Ballots transmitted to UOCAVA voters who do not submit an original voter registration application shall not be counted, and the voter who requested the ballot shall be assigned a status of "Incomplete" with a status reason "No Signature" following the election for which the ballot was requested.

b. *UOCAVA voters eligible to return voted balloting materials electronically.* UOCAVA voters who are not currently registered to vote and are eligible to return voted ballot materials electronically pursuant to this rule shall submit a signed, scanned application for voter registration. The application may be the Iowa voter registration application, the National Mail Voter Registration Form, a Federal Post Card Application, a declaration/affirmation accompanying a federal write-in absentee ballot or a signature on a voted UOCAVA absentee ballot affidavit. Ballots transmitted to UOCAVA voters who do not submit signed, scanned voter registration applications shall not be counted, and the voter who requested the ballot shall be assigned a status of "Incomplete" with a status reason "No Signature" following the election for which the ballot was requested.

This rule is intended to implement Iowa Code sections 53.40 and 53.46.

[ARC 8045B, IAB 8/26/09, effective 7/27/09; ARC 8777B, IAB 6/2/10, effective 5/7/10; ARC 9989B, IAB 2/8/12, effective 1/17/12; ARC 0107C, IAB 4/18/12, effective 3/30/12]

**721—21.321 to 21.349** Reserved.

**721—21.350(53) Absentee ballot processing for elections held following July 1, 2007.** Rescinded IAB 9/26/07, effective 9/7/07.

**721—21.351(53) Receiving absentee ballots.** The commissioner shall carefully account for and protect all absentee ballots returned to the office.

**21.351(1) Note receipt.** The commissioner shall write or file-stamp on the return carrier envelope the date that the ballot arrived in the commissioner's office. The commissioner shall also record receipt of the ballot in I-Voters.

**21.351(2) Temporary storage.** If necessary, the commissioner shall immediately put the ballot into a secure container, such as a locked ballot box, until the ballots can be moved to the secure storage area.

**21.351(3) Secure area.** The commissioner shall deliver the ballots to a secure area where returned absentee ballots will be reviewed for completeness and defects.

[ARC 8779B, IAB 6/2/10, effective 7/1/10]

**721—21.352(53) Review of returned affidavit envelopes.**

**21.352(1) Personnel.** The commissioner may assign staff members to complete the review of returned affidavit envelopes. Only persons who have been trained for this responsibility shall be authorized to review affidavit envelopes.

**21.352(2) Affidavit envelopes reviewed.** The affidavit envelopes of all absentee ballots returned to the commissioner's office shall be reviewed, including those of ballots returned by the bipartisan team delivering absentee ballots to health care facilities, such as hospitals and nursing homes. If a reviewer finds that any absentee affidavits returned from any health care facility are incomplete or defective, the

commissioner shall send the bipartisan delivery team back to assist voters as needed with completing affidavits or to deliver any replacement ballots.

**21.352(3) Instructions.** Each reviewer shall receive instructions in substantially the form prepared by the state commissioner of elections. The instructions shall provide basic security and procedural guidance and include a method for accounting for all returned absentee ballots. The prohibitions shall include:

- a. Leaving unsecured ballots unattended.
- b. Altering any information on any affidavit.
- c. Adding any information to any affidavit, except as specifically required to comply with the requirements of the law.
- d. Sealing any affidavit envelope found open.
- e. Discarding any return carrier envelopes, ballots, or affidavit envelopes returned by voters.

[ARC 8045B, IAB 8/26/09, effective 7/27/09; ARC 8779B, IAB 6/2/10, effective 7/1/10]

**721—21.353(53) Opening the return carrier envelopes.** The commissioner may direct a staff member to open the return carrier envelopes either manually or with an automatic letter opener, if one is available. Only a trained reviewer may remove the contents of the envelope.

**721—21.354(53) Review process.** A reviewer shall remove the contents from only one return carrier envelope at a time.

**21.354(1) Return carrier envelopes preserved.** The return carrier envelopes shall be stored in a manner that will facilitate their retrieval, if necessary. They shall be stored for 22 months for federal elections and 6 months for local elections.

**21.354(2) Examination of affidavit envelope.** The reviewer shall make sure that:

- a. The affidavit envelope is sealed, apparently with the ballot inside.
- b. The affidavit envelope has not been opened and resealed.
- c. The affidavit includes all of the following:
  - (1) A signature.
  - (2) For primary elections only, political party affiliation.

**21.354(3) No defects or incomplete information.** If the reviewer finds that the required information on the affidavit is complete and that there are no defects that would cause the absentee and special voters precinct board to reject the ballot, the reviewer shall put the affidavit envelope into a group of envelopes to be retained in the secure storage area with others that require no further attention until they are delivered to the absentee and special voters precinct board.

**21.354(4) Defective and incomplete affidavits.** The commissioner shall contact the voter if the reviewer finds any of the following flaws in the affidavit or affidavit envelope:

a. The commissioner shall contact the voter immediately if the affidavit envelope is defective. An affidavit envelope is defective if:

- (1) The absentee ballot is not enclosed in the affidavit envelope.
- (2) The affidavit envelope is not sealed.
- (3) The affidavit envelope has been opened and resealed.
- (4) The voter submits a change of address in a new precinct after returning a voted absentee ballot.

b. The commissioner shall contact the voter within 24 hours if the affidavit is incomplete. An incomplete affidavit lacks:

- (1) The signature of the voter.
- (2) For primary elections only, political party affiliation.

c. If an affidavit envelope has flaws that are included in both paragraphs “a” and “b,” the commissioner shall follow the process in paragraph “a.”

**21.354(5) Defective and incomplete affidavits stored separately.** The commissioner shall store the defective and incomplete affidavit envelopes separately from other returned absentee ballot affidavit envelopes.

*a.* Incomplete affidavit envelopes requiring voter correction must be available for retrieval when the voter comes to make corrections.

*b.* Defective affidavit envelopes must be attached to the replacement ballot (if any) for review by the absentee and special voters precinct board.

[ARC 8045B, IAB 8/26/09, effective 7/27/09; ARC 8779B, IAB 6/2/10, effective 7/1/10]

**721—21.355(53) Notice to voter.** When the commissioner finds an incomplete absentee ballot affidavit or finds a defective affidavit envelope, the commissioner shall notify the voter in writing and, if possible, by telephone and by E-mail. The commissioner shall keep a separate checklist for each voter showing the reasons for which the voter was contacted and the methods used to contact the voter.

**21.355(1) Notice to voter—incomplete ballot affidavit.** Within 24 hours after receipt of an absentee ballot with an incomplete affidavit, the commissioner shall send a notice to the voter at the address where the voter is registered to vote, as well as to the address where the ballot was sent, if it is a different address. The notice shall include:

*a.* Explanation of missing required information (lack of signature or, for primary elections only, political party affiliation).

*b.* The voter's options for correcting the affidavit as follows:

- (1) Completing the affidavit at the commissioner's office by 5 p.m. the day before the election;
- (2) Requesting a replacement ballot pursuant to Iowa Code section 53.18; or
- (3) Voting at the polls on election day.

*c.* Address of commissioner's office, business hours and contact information.

**21.355(2) Notice to voter—defective ballot affidavit.** Immediately after determining that an absentee ballot affidavit envelope is defective, the commissioner shall send a notice to the voter at the address where the voter is registered to vote, as well as to the address where the ballot was sent, if it is a different address. The notice shall include the following information:

*a.* Reason for defect.

*b.* The voter's options for correcting the defect as follows:

- (1) The voter may request a replacement ballot;
- (2) The voter may vote at the polls on election day; or
- (3) In the event an absentee ballot becomes defective because a voter reregisters to vote in a new precinct or county after casting an absentee ballot, the voter may correct the defect by reregistering to vote in the precinct in which the absentee ballot was cast, provided the voter can still claim residence for voter registration purposes in the precinct in which the absentee ballot was cast pursuant to Iowa Code sections 48A.5 and 48A.5A. If a voter reregisters after the voter registration deadline listed in Iowa Code section 48A.9 for a particular election, the voter shall be required to follow election day registration procedures as set forth in Iowa Code section 48A.7A, subsection 3.

*c.* Process for requesting a replacement ballot.

*d.* Address of commissioner's office, business hours and contact information.

**21.355(3) Telephone contact.** If the voter has provided a telephone number, either on the absentee ballot application or on the voter's registration record, the commissioner shall also attempt to contact the voter by telephone. The commissioner shall keep a written record of the telephone conversation. The written record shall include the following information:

*a.* Name of the person making the call.

*b.* Date and time of the call.

*c.* Whether the person making the call spoke to the voter.

**21.355(4) E-mail contact.** If the voter has provided an E-mail address, either on the absentee ballot application or on the voter's registration record, the commissioner shall also attempt to contact the voter by E-mail. The E-mail message shall be the same message that was mailed to the voter. A copy of the E-mail message shall be attached to the checklist.

[ARC 8045B, IAB 8/26/09, effective 7/27/09; ARC 8779B, IAB 6/2/10, effective 7/1/10; ARC 9989B, IAB 2/8/12, effective 1/17/12]

Rules 721—21.351(53) through 721—21.355(53) are intended to implement 2009 Iowa Code Supplement section 53.18 as amended by 2010 Iowa Acts, Senate file 2196, and section 53.25.

**721—21.356 to 21.358** Reserved.

**721—21.359(53) Processing absentee ballots before election day.** The commissioner may only direct the absentee and special voters precinct board to open affidavit envelopes on the Monday before election day under the following circumstances:

For any election, only if the commissioner has provided secrecy envelopes (or folders) pursuant to subrule 21.359(1) and the commissioner determines removing secrecy envelopes from affidavit envelopes is necessary due to the quantity of voted absentee ballots received as set forth in Iowa Code section 53.23, subsection 3, paragraph “a.”

For general elections, if the commissioner convenes the absentee and special voters precinct board pursuant to Iowa Code section 53.23, subsection 3, paragraph “c,” to begin tabulation of absentee ballots.

**21.359(1)** The secrecy envelope shall completely cover the ballot. The envelope shall have the following message printed on it using at least 24-point type:

## Secrecy Envelope

After you vote, put your ballot in here.

**21.359(2)** When the absentee and special voters precinct board convenes to begin processing absentee ballots, the board shall first review voters’ affidavits to determine which ballots will be accepted for counting and prepare the notices to those voters whose ballots have been rejected for the reasons set forth in 2009 Iowa Code Supplement section 53.25. Affidavit envelopes containing ballots that are rejected shall be stored in the manner prescribed by Iowa Code section 53.26. The applications submitted for rejected ballots shall be stored in a secure location for the time period required by Iowa Code section 50.19.

**21.359(3)** The affidavit envelopes containing ballots that have been accepted for counting by the absentee and special voters precinct board shall be stacked with the affidavits facing down. The envelopes shall be opened and the secrecy envelope containing the ballot shall be removed.

**21.359(4)** If a voter has not enclosed the ballot in a secrecy envelope and the ballot has not been folded in a manner that conceals all votes marked on the ballot, the officials shall put the ballot in a secrecy envelope without examining the ballot.

**21.359(5)** The following security procedures shall be followed:

*a.* The process shall be witnessed by observers appointed by the county chairperson of each of the political parties referred to in Iowa Code section 49.13, subsection 2. If, after receiving notice from the commissioner pursuant to Iowa Code section 53.23, subsection 3, paragraph “a,” either or both political parties fail to appoint an observer, the commissioner may continue with the proceedings.

*b.* No ballots shall be counted or examined before election day except as provided in Iowa Code section 53.23, subsection 3, paragraph “c,” as amended by 2009 Iowa Acts, House File 670, section 1.

*c.* When secrecy envelopes are removed from affidavit envelopes on the day before an election and not tabulated as permitted by Iowa Code section 53.23, subsection 3, paragraph “c,” as amended by 2009 Iowa Acts, House File 670, section 1, the number of secrecy envelopes shall be recorded before the ballots are stored and the number shall be verified before any ballots are removed from the secrecy envelopes on election day. The ballots may be bundled and sealed in groups of a specified number to make counting easier.

This rule is intended to implement Iowa Code section 53.23 as amended by 2009 Iowa Acts, House File 670.

[ARC 8045B, IAB 8/26/09, effective 7/27/09; ARC 8779B, IAB 6/2/10, effective 7/1/10]

**721—21.360(53) Failure to affix postmark date.** Rescinded IAB 4/20/11, effective 3/31/11.

**721—21.361(53) Rejection of absentee ballot.** The absentee and special voters precinct board shall reject absentee ballots without opening the affidavit envelope if any of the conditions cited in Iowa Code section 53.25 as amended by 2009 Iowa Acts, House File 475, exist.

**21.361(1)** An absentee ballot shall be rejected if the affidavit lacks the voter's signature.

**21.361(2)** An absentee ballot shall be rejected if the applicant is not a duly registered voter in the precinct in which the ballot is cast. "Precinct" means a precinct established pursuant to Iowa Code sections 49.3 through 49.5 or a consolidated precinct established by the commissioner pursuant to Iowa Code section 49.11, subsection 3, paragraph "a."

**21.361(3)** An absentee ballot shall be rejected if the affidavit envelope is open.

**21.361(4)** An absentee ballot shall be rejected if the affidavit envelope has been opened and resealed.

**21.361(5)** An absentee ballot shall be rejected if the affidavit envelope contains more than one ballot of any kind.

**21.361(6)** An absentee ballot shall be rejected if the voter has voted in person at the polls.

**21.361(7)** An absentee ballot shall be rejected if in primary elections the voter does not declare a party affiliation on the voter's affidavit.

This rule is intended to implement Iowa Code sections 49.9 and 53.14 and section 53.25 as amended by 2009 Iowa Acts, House File 475.

[ARC 8045B, IAB 8/26/09, effective 7/27/09]

**721—21.362 to 21.369** Reserved.

**721—21.370(53) Training for absentee ballot couriers.** Rescinded IAB 8/1/07, effective 7/1/07.

**721—21.371(53) Certificate.** Rescinded IAB 8/1/07, effective 7/1/07.

**721—21.372(53) Frequency of training.** Rescinded IAB 8/1/07, effective 7/1/07.

**721—21.373(53) Registration of absentee ballot couriers.** Rescinded IAB 8/1/07, effective 7/1/07.

**721—21.374(53) County commissioner's duties.** Rescinded IAB 8/1/07, effective 7/1/07.

**721—21.375(53) Absentee ballot courier training.** Rescinded IAB 8/1/07, effective 7/1/07.

**721—21.376(53) Receiving absentee ballots.** Rescinded IAB 8/1/07, effective 7/1/07.

**721—21.377 to 21.399** Reserved.

#### DIVISION IV INSTRUCTIONS FOR SPECIFIC ELECTIONS

**721—21.400(376) Signature requirements for certain cities.** This rule applies to cities which have all of the following characteristics:

1. Nomination procedures under Iowa Code section 376.3 are used. (This includes cities with primary or runoff election provisions. It does not include cities with nominations under Iowa Code chapter 44 or 45.)

2. Some or all council members are voted upon by the electors of wards, rather than by the electors of the entire city.

3. Ward boundaries have been changed since the last regular city election at which the ward seat was on the ballot.

4. The number of wards has not changed.

Calculation of the number of signatures for ward seats shall use the vote totals from the wards as the wards were configured at the time of the last regular city election at which the ward seat was on the ballot.

This rule is intended to implement Iowa Code section 376.4.

**721—21.401(376) Signature requirements in cities with primary or runoff election provisions.** In cities using the provisions of Iowa Code section 376.4 for nomination of candidates and in which more than one council member was elected at-large at the last preceding regular city election, the number of signatures shall be calculated by the following formula:

V = the total number of votes cast for all candidates for council member at-large at the last regular city election;

E = the number of people to be elected at the last regular city election;

$$\frac{V}{E} \times .02 = \text{the number of signatures needed by each candidate in the next regular city election.}$$

This rule is intended to implement Iowa Code section 376.4.

**721—21.402(372) Filing deadline for charter commission appointment petition.** If a special election has been called by a city to present to the voters the question of adopting a different form of city government, receipt by the city council of a petition requesting appointment of a charter commission shall stay the special election if the petition is received no later than 5 p.m. on the Friday preceding the date of the special election.

This rule is intended to implement Iowa Code section 372.3.

**721—21.403(81GA, HF2282) Special elections to fill vacancies in elective city offices for cities that may be required to conduct primary elections.**

**21.403(1) Notice to the commissioner.** At least 60 days before the proposed date of the special election, the city council shall give written notice to the commissioner who will be responsible for conducting the special election.

*a.* If the commissioner finds no conflict with other previously scheduled elections, or with other limitations on the dates of special elections, the commissioner shall immediately notify the council that the date has been approved.

*b.* No special city elections to fill vacancies for cities that may be required to conduct primary elections shall be held with the general election, with the primary election, or with the annual school election. To do so would be contrary to the provisions of Iowa Code section 39.2.

**21.403(2) Election calendar.** The election calendar shall be adjusted as follows:

*a.* The deadline for candidates to file nomination papers with the city clerk shall be not later than 12 noon on the fifty-third day before the election.

*b.* The city clerk shall deliver all nomination papers accepted by the clerk to the county commissioner of elections not later than 5 p.m. on the fifty-third day before the election.

*c.* A candidate who has filed nomination papers for the special election may withdraw not later than 5 p.m. on the fiftieth day before the election.

*d.* A person who would have the right to vote for the office in question may file a written objection to the legal sufficiency of a candidate's nomination papers or to the qualifications of the candidate for this special election not later than 12 noon on the fiftieth day before the election.

*e.* The hearing on the objection must be held within 24 hours of receipt of the objection.

This rule is intended to implement Iowa Code section 372.13(2) as amended by 2006 Iowa Acts, House File 2282, section 2.

**721—21.404(81GA, HF2282) Special elections to fill vacancies in elective city offices for cities without primary election requirements.** This rule applies to cities that have adopted by ordinance one of the following options: nominations under Iowa Code chapter 44 or chapter 45, or a runoff election requirement if no candidate in the special election receives a majority of the votes cast.

**21.404(1) Notice to the commissioner.** At least 32 days before the proposed date of the special election, the city council shall give written notice to the commissioner who will be responsible for conducting the special election. If the commissioner finds no conflict with other previously scheduled

elections, or with other limitations on the dates of special elections, the commissioner shall immediately notify the council that the date has been approved.

**21.404(2) *Special elections to fill vacancies held in conjunction with the general election.*** If the proposed date of the special election coincides with the date of the general election, the council shall give notice of the proposed date of the special city election not later than 76 days before the date of the general election. Candidates shall file nomination papers with the city clerk not later than 5 p.m. on the seventieth day before the general election. The city clerk shall deliver the nomination papers accepted by the clerk not later than 5 p.m. on the sixty-ninth day before the general election. Objection and withdrawal deadlines shall be 64 days before the general election, the same as the deadlines for candidates who file their nomination papers with the commissioner. Hearings on objections shall be held as soon as possible in order to facilitate printing of the general election ballot.

**21.404(3) *Election calendar.*** If the special election date is not the same as the date of the general election, the election calendar shall be adjusted as follows:

*a.* The deadline for candidates to file nomination papers with the city clerk shall be not later than 12 noon on the twenty-fifth day before the election.

*b.* The city clerk shall deliver all nomination papers accepted by the clerk to the county commissioner of elections not later than 5 p.m. on the twenty-fifth day before the election.

*c.* A candidate who has filed nomination papers for the special election may withdraw not later than 5 p.m. on the twenty-second day before the election.

*d.* A person who would have the right to vote for the office in question may file a written objection to the legal sufficiency of a candidate's nomination papers or to the qualifications of the candidate for this special election not later than 12 noon on the twenty-second day before the election.

*e.* The hearing on the objection must be held within 24 hours of receipt of the objection.

This rule is intended to implement Iowa Code section 372.13(2) as amended by 2006 Iowa Acts, House File 2282, section 2.

**721—21.405(69) *Special elections to fill a vacancy in the office of representative in Congress.*** This rule establishes the special election calendar in the event a vacancy occurs in the office of representative in Congress that must be filled by special election pursuant to Iowa Code section 69.14.

**21.405(1) *Notice of election.*** The governor shall provide not less than 76 days' notice of a special election to fill a vacancy in the office of representative in Congress.

**21.405(2) *Political party convention deadline.*** A political party candidate to be voted on at a special election to fill a vacancy in the office of representative in Congress shall be nominated by a convention duly called by the district central committee not less than 62 days prior to the date set for the special election.

**21.405(3) *Candidate filing deadline.*** Nominations made pursuant to Iowa Code chapter 43, 44 or 45 shall be filed in the office of the state commissioner not later than 5 p.m. on the sixty-second day prior to the date set for the special election.

**21.405(4) *Candidate certification deadline.*** Names of candidates nominated for the special election shall be certified at the earliest practicable time to the appropriate commissioners of election as required by Iowa Code section 43.88.

**21.405(5) *Candidate objection deadline.*** Written objections to the legal sufficiency of a nomination petition filed pursuant to Iowa Code chapter 45 or a certificate of nomination filed pursuant to Iowa Code chapter 43 or 44 shall be in writing and shall be filed with the state commissioner no later than 5 p.m. on the sixtieth day prior to the election.

**21.405(6) *Candidate withdrawal deadline.*** A person who has filed nomination papers with the state commissioner as a candidate for a special election to fill a vacancy in the office of representative in Congress may withdraw by filing a written notice of withdrawal with the state commissioner no later than 5 p.m. on the sixtieth day prior to the election.

[ARC 0109C, IAB 5/2/12, effective 4/6/12]

**721—21.406 to 21.499** Reserved.

**721—21.500(277) Signature requirements for school director candidates.** The number of signatures required to be filed by candidates for the office of director in the regular school election shall be calculated from the number of registered voters in the district on May 1 of the year in which the election will be held. If May 1 falls on a day when the commissioner's office is closed for business, the commissioner shall use the number of registered voters in the district on the next day that the commissioner's office is open for business to determine the number of required signatures. Candidates who are seeking election in districts with election plans as specified in Iowa Code section 275.12(2) "b" and "c," where the candidate must reside in a specific director district, but is voted upon by all of the electors of the school district, shall be required to file a number of signatures calculated from the number of registered voters in the whole school district. Candidates who will be voted upon only by the electors of a director district shall be required to file a number of signatures calculated from the number of registered voters in the director district in which the candidate resides and seeks to represent.

If a special election is to be held to fill a vacancy on the school board, the number of registered voters on the date the commissioner receives notice of the special election shall be used to calculate the number of signatures required for the special election.

This rule is intended to implement Iowa Code sections 277.4 and 279.7.  
[ARC 9466B, IAB 4/20/11, effective 3/31/11]

**721—21.501 to 21.599** Reserved.

**721—21.600(43) Primary election signatures—plan three supervisor candidates.** Rescinded IAB 11/30/11, effective 1/4/12.

**721—21.601(43) Plan III supervisor district candidate signatures after a change in the number of supervisors or method of election.** After the number of supervisors has been increased or decreased pursuant to Iowa Code section 331.203 or 331.204 or the method of electing supervisors has been changed from plan I or plan II to plan III since the last general election, the signatures for candidates at the next primary and general elections shall be calculated as follows:

**21.601(1) Primary election.** Divide the total number of party votes cast in the county at the previous general election for the office of president or for governor, as applicable, by the number of supervisor districts and multiply the quotient by .02. If the result of the calculation is less than 100, the result shall be the minimum number of signatures required. If the result of the calculation is greater than or equal to 100, the minimum requirement shall be 100 signatures.

**21.601(2) Nominations by petition.** If the effective date of the change in the number of districts or method of election was later than the date specified in Iowa Code section 45.1(6), divide the total number of registered voters in the county on the date specified in Iowa Code section 45.1(6) by the number of supervisor districts and multiply the quotient by .01. If the result of the calculation is less than 150, the result shall be the minimum number of signatures required. If the result of the calculation is greater than or equal to 150, the minimum requirement shall be 150 signatures.

This rule is intended to implement Iowa Code chapters 43 and 45.  
[ARC 9989B, IAB 2/8/12, effective 1/17/12]

**721—21.602(43) Primary election—nominations by write-in votes for certain offices.**

**21.602(1)** The process described in subrule 21.602(2) shall be used to determine whether the primary election is conclusive and a candidate was nominated for partisan offices that are:

- a. Not mentioned in Iowa Code section 43.53 (township offices) or 43.66 (state representative and state senator), and
- b. For which no candidate's name was printed on the primary election ballot, and
- c. For which no candidate's name was printed on the primary election ballot in any previous primary election.

**21.602(2)** To be nominated by write-in votes, the person must receive at least 35 percent of the number of votes cast in the previous general election for that party's candidate for president of the United States or for governor, as the case may be, as follows:

- a. Statewide office: 35 percent of votes cast statewide.
- b. Congressional district: 35 percent of votes cast within the current boundaries of the Congressional district.
- c. County office, including plan II supervisors: 35 percent of the votes cast within the county.
- d. Plan III county supervisor: 35 percent of the votes cast within the supervisor district. If the boundaries of the supervisor district have changed since the previous general election, the number of votes cast within the county for the party candidate for president or for governor, as the case may be, shall be divided by the number of supervisor districts in the county; then the quotient shall be multiplied by 0.35.

**21.602(3)** If a write-in candidate is declared nominated at the canvass of votes, Iowa Code section 43.67, which requires the appropriate election commissioner to notify the candidate, shall apply.

This rule is intended to implement Iowa Code section 43.66.

**721—21.603 to 21.799** Reserved.

**721—21.800(423B) Local sales and services tax elections.**

**21.800(1)** Petitions requesting imposition, rate change, use change, or repeal of local sales and services taxes shall be filed with the county board of supervisors.

a. Each person signing the petition shall include the person's address (including street number, if any) and the date that the person signed the petition.

b. Within 30 days after receipt of the petition, the supervisors shall provide written notice to the county commissioner of elections directing that an election be held to present to the voters of the entire county the question of imposition, rate change, use change, or repeal of a local sales and services tax. In the notice the supervisors shall include the date of the election.

c. The election shall be held on the first possible special election date for counties set forth in Iowa Code section 39.2, subsection 4, paragraph "c," but no sooner than 84 days after the date upon which notice is given to the commissioner.

**21.800(2)** As an alternative to the method of initiating a local option tax election described in subrule 21.800(1), governing bodies of cities and the county may initiate a local option tax election by filing motions with the county auditor pursuant to Iowa Code section 423B.1, subsection 4, paragraph "b," requesting submission of a local option tax imposition, rate change, use change, or repeal to the qualified electors. Within 30 days of receiving a sufficient number of motions, the county commissioner shall notify affected jurisdictions of the local option tax election date. The election shall be held on the first possible special election date for counties set forth in Iowa Code section 39.2, subsection 4, paragraph "c," but no sooner than 84 days after the date upon which the commissioner received the motion triggering the election.

**21.800(3)** Notice of local sales and services tax election.

a. Not less than 60 days before the date that a local sales and services tax election will be held, the county commissioner of elections shall publish notice of the ballot proposition. The notice does not need to include sample ballots, but shall include all of the information that will appear on the ballot for each city and for the voters in the unincorporated areas of the county.

b. The city councils and the supervisors shall provide to the county commissioner the following information to be included in the notice and on the ballots for imposition elections:

(1) The rate of the tax.

(2) The date the tax will be imposed (which shall be the next implementation date provided in Iowa Code section 423B.6 following the date of the election and at least 90 days after the date of the election, except that an election to impose a local option tax on a date immediately following the scheduled repeal date of an existing similar tax may be held at any time that otherwise complies with the requirements of Iowa Code chapter 423B). The imposition date shall be uniform in all areas of the county voting on the tax at the same election.

(3) The approximate amount of local option tax revenues that will be used for property tax relief in the jurisdiction.

(4) A statement of the specific purposes other than property tax relief for which revenues will be expended in the jurisdiction.

c. The information to be included in the notice shall be provided to the commissioner by the city councils of each city in the county not later than 67 days before the date of the election. If a jurisdiction fails to provide the information in subparagraphs 21.800(3)“b”(1), 21.800(3)“b”(3), and 21.800(3)“b”(4) above, the following information shall be substituted in the notice and on the ballot:

- (1) One percent (1%) for the rate of the tax.
- (2) Zero percent (0%) for property tax relief.
- (3) The specific purpose for which the revenues will otherwise be expended is: Any lawful purpose of the city (or county).

d. The notice of election provided for in Iowa Code section 49.53 as amended by 2009 Iowa Acts, House File 475, shall also be published at the time and in the manner specified in that section.

This rule is intended to implement Iowa Code section 423B.1.

[ARC 8045B, IAB 8/26/09, effective 7/27/09]

**721—21.801(423B) Form of ballot for local option tax elections.** If questions pertaining to more than one of the authorized local option taxes are submitted at a single election, all of the public measures shall be printed on the same ballot. The form of ballots to be used throughout the state of Iowa for the purpose of submitting questions pertaining to local option taxes shall be as follows:

**21.801(1) Local sales and services tax propositions.** Sales and services tax propositions shall be submitted to the voters of an entire county. If the election is being held for the voters to decide whether to impose the tax in a county where a local option sales and services tax has previously been approved for part of the county, the question of imposition shall be voted upon in all parts of the county where the tax has not been approved. If the election is being held for the voters to decide whether to repeal the tax in a county where a local option sales and services tax has previously been approved for part of the county, the question of repeal shall be voted upon in all parts of the county where the tax was previously imposed. If the election is being held for the voters to decide whether to change the rate or use of the tax in a county where a local option sales and services tax has previously been approved for part of the county, the question of rate or use change shall be voted upon in all parts of the county where the tax was previously imposed.

The ballot submitted to the voters of each incorporated area and the unincorporated area of the county shall show the intended uses for that jurisdiction. The ballot submitted to the voters in contiguous cities within a county shall show the intended uses and repeal dates, if not uniform, for each of the contiguous cities. The ballots shall be in substantially the following form:

- a. Imposition question for voters in a single city or the unincorporated area of the county:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize imposition of a local sales and services tax in the [city of \_\_\_\_\_] [unincorporated area of the county of \_\_\_\_\_], at the rate of \_\_\_\_\_ percent ( \_\_\_\_\_ %) to be effective on \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45. Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

A local sales and services tax shall be imposed in the [city of \_\_\_\_\_]  
[unincorporated area of the county of \_\_\_\_\_] at the rate of \_\_\_\_\_ percent  
( \_\_\_\_\_ %) to be effective on \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

Revenues from the sales and services tax shall be allocated as follows:

(Choose one or more of the following:)

[\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)]

[\_\_\_\_\_ for property tax relief (insert percentage or dollar amount) in the  
unincorporated area of the county of \_\_\_\_\_]

[\_\_\_\_\_ for property tax relief (insert percentage or dollar amount) in the  
county of \_\_\_\_\_]

The specific purpose (or purposes) for which the revenues shall otherwise be  
expended is (are):

(List specific purpose or purposes)

b. Imposition question for voters in contiguous cities:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize imposition of a local sales and services tax in the cities of  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, (list additional cities, if applicable) at  
the rate of \_\_\_\_\_ percent ( \_\_\_\_\_ %) to be effective on \_\_\_\_\_ (month and day),  
\_\_\_\_\_ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately  
below the summary on all paper ballots as provided in Iowa Code section 49.45. Counties using special  
paper ballots which are read by computerized tabulating equipment may summarize the question on the  
ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts,  
House File 475.)

A local sales and services tax shall be imposed in the cities of \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, (list additional cities, if applicable) at the rate of \_\_\_\_\_  
percent ( \_\_\_\_\_ %) to be effective on \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

Revenues from the sales and services tax are to be allocated as follows:

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be  
expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be  
expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

c. Imposition question with an automatic repeal date for voters in a single city or the unincorporated area of the county:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize imposition of a local sales and services tax in the [city of \_\_\_\_\_] [unincorporated area of the county of \_\_\_\_\_], at the rate of \_\_\_\_\_ percent ( \_\_\_\_\_ %) to be effective from \_\_\_\_\_ (month and day), \_\_\_\_\_ (year), until \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45. Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

A local sales and services tax shall be imposed in the [city of \_\_\_\_\_] [unincorporated area of the county of \_\_\_\_\_] at the rate of \_\_\_\_\_ percent ( \_\_\_\_\_ %) to be effective from \_\_\_\_\_ (month and day), \_\_\_\_\_ (year), until \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

Revenues from the sales and services tax shall be allocated as follows:

(Choose one or more of the following:)

[ \_\_\_\_\_ for property tax relief (insert percentage or dollar amount)]

[ \_\_\_\_\_ for property tax relief (insert percentage or dollar amount) in the unincorporated area of the county of \_\_\_\_\_]

[ \_\_\_\_\_ for property tax relief (insert percentage or dollar amount) in the county of \_\_\_\_\_]

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

d. Imposition question with an automatic repeal date for voters in contiguous cities:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize imposition of a local sales and services tax in the cities of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, (list additional cities, if applicable) at the rate of \_\_\_\_\_ percent ( \_\_\_\_\_ %) to be effective from \_\_\_\_\_ (month and day), \_\_\_\_\_ (year), until \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45. Counties using special

paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

A local sales and services tax shall be imposed in the cities of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, (list additional cities, if applicable) at the rate of \_\_\_\_\_ percent ( \_\_\_\_\_ %) to be effective from \_\_\_\_\_ (month and day), \_\_\_\_\_ (year), until \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

Revenues from the sales and services tax are to be allocated as follows:

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

e. Repeal question for voters in a single city or the unincorporated area of the county:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize repeal of the \_\_\_\_\_ percent ( \_\_\_\_\_ %) local sales and services tax in the [city of \_\_\_\_\_] [unincorporated area of the county of \_\_\_\_\_] effective \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45. Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

The \_\_\_\_\_ percent ( \_\_\_\_\_ %) local sales and services tax shall be repealed in the [city of \_\_\_\_\_] [unincorporated area of the county of \_\_\_\_\_] effective \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

Revenues from the sales and services tax have been allocated as follows:

(Choose one or more of the following:)

[\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)]

[ ] for property tax relief (insert percentage or dollar amount) in the unincorporated area of the county of [ ]

[ ] for property tax relief (insert percentage or dollar amount) in the county of [ ]

The specific purpose (or purposes) for which the revenues were otherwise expended was (were):

(List specific purpose or purposes)

f. Repeal question for voters in contiguous cities:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize repeal of the \_\_\_\_ percent ( \_\_\_\_%) local sales and services tax in the cities of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, (list additional cities, if applicable) effective \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45. Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

The \_\_\_\_ percent ( \_\_\_\_%) local sales and services tax shall be repealed in the cities of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, (list additional cities, if applicable) effective \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

Revenues from the sales and services tax have been allocated as follows:

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues were otherwise expended was (were):

(List specific purpose or purposes)

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues were otherwise expended was (were):

(List specific purpose or purposes)

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues were otherwise expended was (were):

(List specific purpose or purposes)

g. Rate change question for voters in a single city or the unincorporated area of the county:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐NO ☐

Summary: To authorize an increase (or decrease) in the rate of the local sales and services tax to \_\_\_\_\_ percent ( \_\_\_\_\_%) in the [city of \_\_\_\_\_] [unincorporated area of the county of \_\_\_\_\_] effective \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45. Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

The rate of the local sales and services tax shall be increased (or decreased) to \_\_\_\_\_ percent ( \_\_\_\_\_%) in the [city of \_\_\_\_\_] [unincorporated area of the county of \_\_\_\_\_] effective \_\_\_\_\_ (month and day), \_\_\_\_\_ (year). The current rate is \_\_\_\_\_ percent ( \_\_\_\_\_%).

Revenues from the sales and services tax are allocated as follows:

(Choose one or more of the following:)

[\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)]

[\_\_\_\_\_ for property tax relief (insert percentage or dollar amount) in the unincorporated area of the county of \_\_\_\_\_]

[\_\_\_\_\_ for property tax relief (insert percentage or dollar amount) in the county of \_\_\_\_\_]

The specific purpose (or purposes) for which the revenues are otherwise expended is (are):

(List specific purpose or purposes)

*h.* Rate change question for voters in contiguous cities:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐NO ☐

Summary: To authorize an increase (or decrease) in the rate of the local sales and services tax to \_\_\_\_\_ percent ( \_\_\_\_\_%) in the cities of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, (list additional cities, if applicable) effective \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45. Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

The rate of the local sales and services tax shall be increased (or decreased) to \_\_\_\_\_ percent ( \_\_\_\_\_%) in the cities of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, (list additional cities, if applicable) effective \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

Revenues from the sales and services tax are allocated as follows:

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues are otherwise expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues are otherwise expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues are otherwise expended is (are):

(List specific purpose or purposes)

- i. Use change question for voters in a single city or the unincorporated area of the county:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize a change in the use of the \_\_\_\_\_ percent ( \_\_\_\_\_%) local sales and services tax in the [city of \_\_\_\_\_] [unincorporated area of the county of \_\_\_\_\_] effective \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45. Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

The use of the \_\_\_\_\_ percent ( \_\_\_\_\_%) local sales and services tax shall be changed in the [city of \_\_\_\_\_] [unincorporated area of the county of \_\_\_\_\_] effective \_\_\_\_\_ (month and day), \_\_\_\_\_ (year).

#### PROPOSED USES OF THE TAX:

If the change is approved, revenues from the sales and services tax shall be allocated as follows:

(Choose one or more of the following:)

[\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)]

[\_\_\_\_\_ for property tax relief (insert percentage or dollar amount) in the unincorporated area of the county of \_\_\_\_\_]

[\_\_\_\_\_ for property tax relief (insert percentage or dollar amount) in the county of \_\_\_\_\_]

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

#### CURRENT USES OF THE TAX:

Revenues from the sales and services tax are currently allocated as follows:

(Choose one or more of the following:)

[ ] for property tax relief (insert percentage or dollar amount)]

[ ] for property tax relief (insert percentage or dollar amount) in the unincorporated area of the county of [ ]

[ ] for property tax relief (insert percentage or dollar amount) in the county of [ ]

The specific purpose (or purposes) for which the revenues are otherwise expended is (are):

(List specific purpose or purposes)

j. Use change question for voters in contiguous cities:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize a change in the use of the \_\_\_\_ percent (\_\_\_\_%) local sales and services tax in the cities of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, (list additional cities, if applicable) effective \_\_\_\_\_ (month and day), \_\_\_\_ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45. Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

The use of the \_\_\_\_ percent (\_\_\_\_%) local sales and services tax shall be changed in the cities of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, (list additional cities, if applicable) effective \_\_\_\_\_ (month and day), \_\_\_\_ (year).

#### PROPOSED USES OF THE TAX:

If the change is approved, revenues from the sales and services tax are to be allocated as follows:

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

CURRENT USES OF THE TAX:

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues are otherwise expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues are otherwise expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF \_\_\_\_\_:

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues are otherwise expended is (are):

(List specific purpose or purposes)

k. Imposition question with differing automatic repeal dates for voters in contiguous cities:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize imposition of a local sales and services tax in the cities of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, (list additional cities, if applicable) at the rate of \_\_\_\_\_ percent ( \_\_\_\_\_%) to be effective from \_\_\_\_\_ (month/day/year) until automatic repeal date specified.

A local sales and services tax shall be imposed in the following cities at the rate of \_\_\_\_\_ percent ( \_\_\_\_\_%) to be effective from \_\_\_\_\_ (month/day/year) until the date specified below and the revenues from the sales and services tax are to be allocated as follows:

FOR THE CITY OF \_\_\_\_\_:

The tax shall be repealed on \_\_\_\_\_ (month/day/year).

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

FOR THE CITY OF \_\_\_\_\_:

The tax shall be repealed on \_\_\_\_\_ (month/day/year).

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

FOR THE CITY OF \_\_\_\_\_:

The tax shall be repealed on \_\_\_\_\_ (month/day/year).

\_\_\_\_\_ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

**21.801(2)** *For a local vehicle tax:*

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize the county of (insert name of county) to impose a local vehicle tax at the rate of \_\_\_\_\_ dollars (\$\_\_\_\_\_) per vehicle and to exempt the following classes from the tax:

\_\_\_\_\_  
The revenues are to be expended as set forth in the text of the public measure.

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45. Counties using optical scan ballots which are read by automatic tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

The county of \_\_\_\_\_, Iowa shall be authorized to impose a local vehicle tax at the rate of \_\_\_\_\_ dollars (\$\_\_\_\_\_) per vehicle and to exempt the following classes of vehicles from the tax:

\_\_\_\_\_  
(insert percentage or dollar amount) of the revenues is/are to be used for property tax relief.

The balance of the revenues is to be expended for:

(List purposes for which remaining revenues will be used)

[ARC 8045B, IAB 8/26/09, effective 7/27/09]

**721—21.802(423B) Local vehicle tax elections.**

**21.802(1)** Petitions requesting imposition of local vehicle taxes shall be filed with the county board of supervisors.

*a.* Each person signing the petition shall add the person's address (including street number, if any) and the date that the person signed the petition.

*b.* Within 30 days after receipt of the petition, the supervisors shall provide written notice to the county commissioner of elections directing that an election be held to present to the voters of the entire

county the question of imposition of a local vehicle tax. In the notice the supervisors shall include the date of the election.

c. The election shall be held on the first possible special election date for counties set forth in Iowa Code section 39.2, subsection 4, paragraph “c,” but no sooner than 84 days after the date upon which notice is given to the commissioner.

**21.802(2)** Notice of local vehicle tax election. Not less than 60 days before the date that a local vehicle tax election will be held, the county commissioner of elections shall publish notice of the ballot proposition. The notice does not need to include a sample ballot, but shall include all of the information that will appear on the ballot. The notice of election provided for in Iowa Code section 49.53 as amended by 2009 Iowa Acts, House File 475, shall also be published at the time and in the manner specified in that section.

[ARC 8045B, IAB 8/26/09, effective 7/27/09]

**721—21.803(82GA, HF2663) Revenue purpose statement ballots.** When a school district wishes to adopt, amend or extend the revenue purpose statement specifying the uses of the funds received from the secure an advanced vision for education fund, which is also referred to as the “penny sales and services tax for schools,” the following ballot formats shall be used.

**21.803(1)** *Ballot to propose a revenue purpose statement.* The ballot for an election to propose a revenue purpose statement specifying the use of funds received from the secure an advanced vision for education fund shall be in substantially the following form:

(Insert letter to be assigned by the commissioner.)

Shall the following public measure be adopted?

☐ YES

☐ NO

Summary: To adopt a revenue purpose statement specifying the use of money from the penny sales and services tax for schools received by \_\_\_\_\_ School District.

In the \_\_\_\_\_ School District, the following revenue purpose statement, which specifies the use of the penny sales and services tax for schools (sales and services tax funds from the secure an advanced vision for education fund for school infrastructure) shall be adopted:

(Insert here the revenue purpose statement that was adopted by the school board and that states the intended uses of the funds by the school district. The use or uses must be among the approved uses of the tax that are authorized by 2008 Iowa Acts, House File 2663, section 29.)

**21.803(2)** *Ballot to amend a revenue purpose statement.* The ballot for an election to decide a change in the revenue purpose statement specifying the use of funds received from the secure an advanced vision for education fund shall be in substantially the following form:

(Insert letter to be assigned by the commissioner.)

Shall the following public measure be adopted?

☐ YES

☐ NO

Summary: To authorize a change in the use of money from the penny sales and services tax for schools received by \_\_\_\_\_ School District.

In the \_\_\_\_\_ School District, the revenue purpose statement, which specifies the use of the penny sales and services tax for schools (sales and services tax funds from the secure an advanced vision for education fund for school infrastructure) shall be changed.

Proposed uses. If the change is approved, the revenue purpose statement shall read as follows:

(Insert here the revenue purpose statement that was adopted by the school board and that states the intended uses of the funds by the school district. The use or uses must be among the approved uses of the tax that are authorized by 2008 Iowa Acts, House File 2663, section 29.)

Current uses. If the change is not approved, the funds shall continue to be used as follows:

(Insert here the current revenue purpose statement or list the current voter-approved uses of the funds by the school district, if the school infrastructure local option tax was adopted before the revenue purpose statement was required.)

**21.803(3) Ballot to extend a revenue purpose statement.** The ballot for an election to extend a revenue purpose statement specifying the use of funds received from the secure an advanced vision for education fund shall be in substantially the following form:

(Insert letter to be assigned by the commissioner.)

Shall the following public measure be adopted?

☐ YES

☐ NO

Summary: To authorize \_\_\_\_\_ School District to continue to spend money from the penny sales and services tax for schools for the previously approved uses until (specify date or insert amended date).

\_\_\_\_\_ School District is authorized to extend the current revenue purpose statement which specifies use of the penny sales and services tax for schools (sales and services tax funds from the secure an advanced vision for education fund for school infrastructure) received from (date) until (specify date or insert amended date). If an extension is not approved, the current revenue purpose statement will expire on (date). If an extension is approved, the revenue purpose statement will read as follows:

(Insert here the revenue purpose statement, including the new expiration date. If there is not a predicted expiration date, the ballot language must state that the revenue purpose statement will remain in effect until it is changed.)

This rule is intended to implement 2008 Iowa Acts, House File 2663, section 29.

**721—21.804 to 21.809** Reserved.

**721—21.810(34A) Referendum on enhanced 911 emergency telephone communication system funding.**

**21.810(1) Form of ballot.** The ballot for the E911 referendum shall be in substantially the following form:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Enhanced 911 emergency telephone service shall be funded, in whole or in part, by a monthly surcharge of (an amount to be determined by the local joint E911 service board of up to one dollar) on each telephone access line collected as part of each telephone subscriber's monthly phone bill if provided within (description of the proposed service area).

A map may be used to show the proposed E911 service area. If a map is used the public measure shall read as follows:

“Enhanced 911 emergency telephone service shall be funded, in whole or in part, by a monthly surcharge of (an amount to be determined by the local joint E911 service board of up to one dollar) on each telephone access line collected as part of each telephone subscriber’s monthly phone bill if provided within the proposed E911 service area shown on the map below.”

**21.810(2) Cost of election.** The E911 service board shall pay the costs of the referendum election.

**21.810(3) Enhanced 911 emergency service funding referendum held in conjunction with a scheduled election.**

*a. Notice to commissioner.* The joint E911 service board shall notify the commissioner in writing, no later than the last day upon which nomination papers may be filed, of their intention to conduct the referendum with the scheduled election. The notice shall contain the complete text of the referendum question including the description of the proposed E911 service area. If a map is to be used on the ballot to describe the proposed E911 service area, the map shall be included. If the E911 service area includes more than one county, the service board shall notify the commissioner of each of the counties.

*b. Conduct of election.* All qualified electors in a precinct which is to be served, in whole or in part, by the proposed E911 service area, shall be permitted to vote on the question. The results of the referendum shall be canvassed by the board of supervisors at the time of the canvass of the scheduled election. The commissioner shall immediately certify the results to the joint E911 board.

*c. Service board duties.* If subscribers from more than one county are included within the proposed service area, the E911 service board shall meet as a board of canvassers to compile the results from the counties. The canvass shall be held on the tenth day following the election at a time established by the E911 service board. The service board shall prepare an abstract showing in words and numbers the number of votes cast for and against the question and, if a simple majority of those voting on the question has voted in the affirmative, the board shall declare that the surcharge has been adopted. Votes cast and not counted as a vote for or against the question shall not be used in computing the total vote cast for and against the question.

**21.810(4) Form of ballot for alternative surcharge.** The ballot for elections conducted pursuant to Iowa Code section 34A.6A shall be in the following form:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Enhanced 911 emergency telephone service shall be funded, in whole or in part, by a temporary monthly surcharge increase to (an amount between one dollar and two dollars and fifty cents to be determined by the local joint E911 service board) on each telephone access line collected as part of each telephone subscriber’s monthly phone bill if provided within (description of the proposed service area). The surcharge shall be collected for not more than 24 months, after which the surcharge shall revert to one dollar per month for each line.

A map may be used to show the proposed E911 service area. If a map is used the public measure shall read as follows:

“Enhanced 911 emergency telephone service shall be funded, in whole or in part, by a temporary monthly surcharge increase to (an amount between one dollar and two dollars and fifty cents to be determined by the local joint E911 service board) on each telephone access line collected as part of each telephone subscriber’s monthly phone bill if provided within the proposed E911 service area shown on the map below. The surcharge shall be collected for not more than 24 months, after which the surcharge shall revert to one dollar per month for each line.”

This rule is intended to implement Iowa Code sections 34A.6 and 34A.6A.

**721—21.811 to 21.819** Reserved.

**721—21.820(99F) Gambling elections.**

**21.820(1)** Petitions requesting elections to approve or disapprove the conduct of gambling games on an excursion gambling boat or at a gambling structure shall be filed with the county board of supervisors and shall be substantially in the form posted on the state commissioner's Web site titled "Petition Requesting Special Election."

*a.* Within 10 days after receipt of a valid petition, the supervisors shall provide written notice to the county commissioner of elections directing the commissioner to submit to the qualified electors of the county a proposition to approve or disapprove the conduct of gambling games on an excursion gambling boat or at a gambling structure in the county. The election shall be held on the next possible special election date pursuant to Iowa Code section 39.2, subsection 4, paragraph "a," but no fewer than 46 days from the date notice is given to the county commissioner.

*b.* If a regularly scheduled or special election is to be held in the county on the date selected by the supervisors, notice shall be given to the commissioner no later than the last day upon which nomination papers may be filed for that election. If the excursion gambling boat or the gambling structure election is to be held with a local option tax election, the supervisors shall provide the commissioner at least 60 days' written notice. Otherwise, the supervisors shall give at least 46 days' written notice.

**21.820(2)** Form of ballot for election called by petition. Ballots shall be in substantially the following form:

(Insert letter to be assigned by the commissioner)

Shall the following public measure be adopted?

☐ YES

☐ NO

Gambling games on an excursion gambling boat or at a gambling structure in \_\_\_\_\_ County are approved.

**21.820(3)** Form of ballot for elections to continue gambling games on an excursion gambling boat or at a gambling structure:

(Insert letter to be assigned by the commissioner)

Shall the following public measure be adopted?

☐ YES

☐ NO

Summary: Gambling games on an excursion gambling boat or at a gambling structure in \_\_\_\_\_ County are approved.

Gambling games, with no wager or loss limits, on an excursion gambling boat or at a gambling structure in \_\_\_\_\_ County are approved. If approved by a majority of the voters, operation of gambling games with no wager or loss limits may continue until the question is voted upon again at the general election held in 2010. If disapproved by a majority of the voters, the operation of gambling games on an excursion gambling boat or at a gambling structure will end within 60 days of this election. (Iowa Code section 99F.7(10) "c")

**21.820(4)** Ballot form to permit gambling games at existing pari-mutuel racetracks:

(Insert letter to be assigned by the commissioner)

Shall the following public measure be adopted?

☐ YES  
☐ NO

The operation of gambling games at (name of pari-mutuel racetrack) in \_\_\_\_\_ County is approved.

**21.820(5)** Abstract of votes. A copy of the abstract of votes of the election shall be sent to the state racing and gaming commission.

**21.820(6)** Ballot form for general election for continuing operation of gambling games at pari-mutuel racetracks:

(Insert letter to be assigned by the commissioner)

Shall the following public measure be adopted?

☐ YES  
☐ NO

Summary: The continued operation of gambling games at (name of pari-mutuel racetrack) in \_\_\_\_\_ County is approved.

The continued operation of gambling games at (name of pari-mutuel racetrack) in \_\_\_\_\_ County is approved. If approved by a majority of the voters, operation of gambling games may continue at (name of pari-mutuel racetrack) in \_\_\_\_\_ County until the question is voted on again at the general election in eight years. If disapproved by a majority of the voters, gambling games at (name of pari-mutuel racetrack) in \_\_\_\_\_ County will end.

**21.820(7)** Ballot form for general election for continuing gambling games on an excursion gambling boat or at a gambling structure:

(Insert letter to be assigned by the commissioner)

Shall the following public measure be adopted?

☐ YES  
☐ NO

Summary: The continued operation of gambling games on an excursion gambling boat or at a gambling structure in \_\_\_\_\_ County is approved.

The continued operation of gambling games on an excursion gambling boat or at a gambling structure in \_\_\_\_\_ County is approved. If approved by a majority of the voters, operation of gambling games may continue on an excursion gambling boat or at a gambling structure in \_\_\_\_\_ County until the question is voted on again at the general election in eight years. If disapproved by a majority of voters, gambling games on an excursion gambling boat or at a gambling structure in \_\_\_\_\_ County will end nine years from the date of the original issue of the license to the current licensee.

This rule is intended to implement Iowa Code section 99F.7 and Iowa Code Supplement section 99F.4D.

[ARC 8045B, IAB 8/26/09, effective 7/27/09; ARC 8779B, IAB 6/2/10, effective 7/1/10]

**721—21.821 to 21.829** Reserved.

**721—21.830(357E) Benefited recreational lake district elections.** Elections for benefited recreational lake districts shall be conducted according to the following procedures.

**21.830(1) Conduct of election.** It is not mandatory for the county commissioner of elections to conduct elections for a benefited recreational lake district. However, if both a public measure and a

candidate election will be held on the same day in a benefited recreational lake district, the same person shall be responsible for conducting both elections. All elections must be held on a Tuesday.

**21.830(2) Ballots.** Ballots for benefited recreational lake district trustee elections shall be printed on opaque white paper, 8 by 11 inches in size. The ballots for the initial election for the office of trustee shall be in substantially the following form:

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**OFFICIAL BALLOT**  
**BENEFITED RECREATIONAL LAKE DISTRICT**  
**Election date**

(facsimile signature of person responsible for printing ballots)

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**FOR TRUSTEE:**

**To vote:** Neatly print the names of at least three people you would like to see elected to the office of Trustee of the Benefited Recreational Lake District. You may vote for as many people as you wish, but you must vote for at least three.

(At the bottom of the ballot a space shall be included for the endorsement of the precinct election official, like this:)

Precinct official's endorsement: \_\_\_\_\_

---

**21.830(3) Canvass of votes.** On the Monday following the election, the board of supervisors shall canvass the votes cast at the election. At the initial election the supervisors shall choose three trustees from among the five persons who received the most votes. The results of benefited recreational lake district elections shall be certified to the district board of trustees.

This rule is intended to implement Iowa Code section 357E.8.

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◊ Two or more ARCs



CHAPTER 28  
VOTER REGISTRATION FILE (I-VOTERS) MANAGEMENT

**721—28.1(47,48A) State registrar’s responsibility.** The state registrar of voters is responsible for the implementation of a single, uniform, official, centralized, interactive, computerized statewide voter registration file of every legally registered voter in the state. This file is known as I-VOTERS. These rules regulate access to the file by county registrars and others and set forth protocols for adding, changing or deleting file information.

**721—28.2(48A) Access and fees.**

**28.2(1)** The state registrar and county registrars shall grant access to the I-VOTERS database consistent with the Iowa Code and the security plan for the system. Authorized users of the system shall be issued secure password-protected access that is monitored by the state registrar. Access may be denied or revoked by the state registrar for violation of the security policy.

**28.2(2)** Fees shall be assessed by the state registrar and county registrars for voter registration information provided to the public or to authorized requesters consistent with Iowa Code chapter 48A and the rules of the voter registration commission. The state registrar shall establish appropriate forms for voter registration information requests. Fees collected by the state registrar shall be deposited in the state general fund. Fees collected by county registrars shall be deposited in the appropriate county fund.

**28.2(3)** Statewide or congressional district voter registration information from I-VOTERS may be obtained only from the state registrar. Voter registration information from I-VOTERS other than statewide or congressional district information may be obtained from the state registrar or a county registrar. A county registrar may provide from I-VOTERS voter registration information for a district or other jurisdiction that is located in whole or in part within the registrar’s county.

**721—28.3(48A) Duplicate and multiple voter registration record deletion process.**

**28.3(1)** The state registrar shall provide a search function within the I-VOTERS software to search for likely duplicate or multiple voter registration records. County registrars shall have the capability to activate this function.

**28.3(2)** During each calendar quarter, the county registrar shall activate the search function described in 28.3(1) and review the list of likely duplicate or multiple voter registration records. The county registrar shall resolve duplicate or multiple records for the same voter. No voter shall have more than one voter record. The voter record associated with the most recent registration or other voter-initiated activity shall be considered the voter’s current record. The voter shall be registered in the county of current record, and the voter record in any other county shall be merged with the record in the current county. Individual voter history and other voter data shall be transferred to the voter’s record in the current county of registration.

**28.3(3)** The state registrar shall periodically engage in interstate checking of voter registration records with cooperating states for the purpose of identifying duplicate or multiple voter registration records. A list of likely matches of records based upon predetermined search criteria shall be timely sent to each county registrar.

**28.3(4)** Within 15 days of the receipt of a list produced by the state registrar in accordance with 28.3(3), the county registrar shall review the list of likely duplicate or multiple voter registration records and determine the accuracy of the search results. If the voter is found to be registered to vote in another state more recently than in Iowa, the commissioner shall make the voter’s status “inactive” and the voter shall be mailed a National Voter Registration Act-compliant confirmation notice. The notice shall contain a statement in substantially the following form:

Information received by this office indicates that you are no longer a resident at the address printed on the reverse side of this card. If this information is not correct, and you still live at that address, please complete and mail the attached postage-paid card at least 10 days before the primary or general election, or at least 11 days before any other election at which you wish

to vote. If the information is correct and you have moved within the county, you may update your registration by listing your new address on the card and mailing it back. If you have moved outside the county, please contact a local official in your new location for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in [name of county] County, Iowa. If you do not return the card and you do not vote in an election in [name of county] County, Iowa, on or before (date of second general election following the date of the notice), your name will be removed from the list of voters in that county.

**28.3(5)** County registrars shall cooperate with each other to ensure that voter records are properly merged into the current county file.

[ARC 9989B, IAB 2/8/12, effective 1/17/12]

**721—28.4(48A) Cancellations and restorations of voter registration due to felony conviction.**

**28.4(1)** Based upon information provided to the state registrar by the state or federal judicial branch and by the governor, the state registrar shall maintain a list of convicted felons and a list of convicted felons whose voting rights have been restored. Periodically, these lists shall be matched with I-VOTERS. Based upon predetermined search criteria, a list of likely matches of ineligible voters shall be produced for each county and provided to each county registrar.

**28.4(2)** Within 15 days of the receipt of the list produced by the state registrar in accordance with 28.4(1), the county registrar shall review the list of likely matches, determine the accuracy of the search results and cancel the registrations of those voters found to be ineligible to vote. Notice shall be sent to the voter at the voter's address in the voter registration file pursuant to Iowa Code section 48A.30(2). The notice shall provide the voter an opportunity to have the county registrar review any relevant information that establishes the voter's eligibility to vote. When inclusion of a voter's name on the list of likely matches is found to be inaccurate, the registrar shall mark the record as a "no match" and provide that information to the state registrar.

**28.4(3)** New applicants for registration entered into I-VOTERS by a county registrar shall be electronically matched against the list of convicted felons in the file, and applicants disqualified due to felony conviction shall not be registered as voters. The county registrar shall notify the registration applicant of the applicant's disqualification in the same manner as provided for in subrule 28.4(2) above.

**721—28.5(47,48A) Noncitizen registered voter identification and removal process.**

**28.5(1)** *Matching of foreign national files and the voter registration list.* Matches between lists of foreign nationals obtained by the secretary of state from a federal or state agency and the voter registration list shall be based on a combination of a registrant's name, driver's license number, date of birth or last four digits of the registrant's social security number. The match may be completed as often as the secretary of state deems necessary, but not more than once a quarter.

**28.5(2)** *Confirming matches between the foreign national file and the voter registration list.* After producing a list of probable matches based on the criteria listed in subrule 28.5(1), the secretary of state shall determine whether the registrant has obtained citizenship status subsequent to the date on which the record in the file obtained from the other federal or state agency was generated. This determination shall be made by obtaining access to the Systematic Alien Verification Entitlement (SAVE) program administered by the United States Department of Homeland Security or to an equivalent database administered by the United States Department of Homeland Security.

Following verification that a registrant is not a United States citizen, the secretary of state shall send the registrant a letter and a response form by certified mail that the registrant may use to respond to the information received by the secretary of state. The letter shall inform the registrant of the source of the information received by the secretary of state (e.g., driver's license files from the Iowa department of transportation), provide the registrant with information regarding how to correct the information obtained by the secretary of state, and provide the registrant with information regarding how to voluntarily remove the registrant's name from the voter registration list if the registrant is not a United States citizen. A postage-paid return envelope shall be included with the letter and response form. The response form

shall include spaces for the registrant to indicate that the information received by the secretary of state is either correct or incorrect and a space for the registrant to indicate that the registrant needs more time to provide a response. In the event a registrant indicates that the registrant needs more time to provide a response, the secretary of state shall not proceed under subrule 28.5(3) for a minimum of 60 days from the date the letter was originally mailed.

**28.5(3) Registered voter notification.** Upon receipt of information indicating that a noncitizen is registered to vote, the secretary of state shall take the following steps.

*a. Subsequent notice.* If the registrant does not respond to the initial letter from the secretary of state sent pursuant to subrule 28.5(2) within 30 days from the date the letter was originally mailed, the secretary of state shall send the registrant a subsequent notice informing the registrant of the source of the information received by the secretary of state (e.g., driver's license files from the Iowa department of transportation). The subsequent notice shall also provide the registrant with information regarding how to correct the information obtained by the secretary of state, provide the registrant with information regarding how to voluntarily remove the registrant's name from the voter registration list if the registrant is not a United States citizen, and list the penalty for being registered to vote while knowing oneself not qualified. A postage-paid return envelope shall be included with the notice and response form. The response form shall include spaces for the registrant to indicate that the information received by the secretary of state is either correct or incorrect and a space for the registrant to indicate that the registrant needs more time to provide a response. In the event a registrant indicates that the registrant needs more time to provide a response, the secretary of state shall not proceed under paragraph 28.5(3) "b" for a minimum of 60 days from the date the notice was originally mailed.

*b. County auditor notification.*

(1) If a registrant receives a notice from the secretary of state pursuant to paragraph 28.5(3) "a" and fails to respond to the notice within 30 days from the date the notice was originally mailed, the secretary of state shall notify the county auditor that the secretary of state has received information indicating that the registrant may not be a citizen of the United States and may be illegally registered to vote. The county auditor shall notify the precinct election officials working at the polling places on election day that the secretary of state has indicated that a registrant appearing on the election register for an election may not be a United States citizen and shall be challenged by the precinct election officials if that registrant attempts to vote.

(2) The county auditor shall notify the secretary of state when any registrant who is the subject of one of these notices voluntarily requests cancellation of the registrant's record.

*c. Noncitizen registrant with active absentee ballot request.* If a county auditor receives notice pursuant to this rule from the secretary of state for a registrant who has an active absentee ballot request on the registrant's record, the county auditor shall attach the notice from the secretary of state regarding the registrant to the voter's absentee ballot affidavit envelope if the absentee ballot is returned to the auditor's office. The county auditor shall instruct the precinct election officials to challenge the voter's absentee ballot as provided in Iowa Code section 53.31.

*d. Noncitizen registrant with voting history on voter record.* If a county auditor receives notice pursuant to this rule from the secretary of state for a registrant who has a previous voting history on the voter's record, the county auditor shall immediately print a copy of the voter's voting history, make copies of any signed election registers or absentee ballot affidavit envelopes that are still in the custody of the county auditor and make a copy of the notice received by the county auditor pursuant to this rule. The foregoing list of documents shall be forwarded to the secretary of state within 30 days of receipt of the notice.

**28.5(4) Removing confirmed matches from the voter registration list.** A registered voter shall only be removed from the voter registration list following the voter's request for removal or the completion of the legal process set forth in Iowa Code sections 48A.14 through 48A.16.

This rule is intended to implement Iowa Code chapters 39A, 48A, 49 and 53.  
[ARC 0272C, IAB 8/8/12, effective 7/20/12; ARC 0616C, IAB 2/20/13, effective 3/27/13]

These rules are intended to implement Iowa Code section 47.7(2) and chapter 48A.

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IAB 2/20/13, effective 3/27/13]